

## SENATE—Tuesday, September 28, 1993

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*And whosoever of you will be the chiefest, shall be servant of all.*—Mark 10:44.

Eternal God our Father, this morning we remember in prayer the many who serve the Senate behind the scenes, without whom the Senate could not function. We pray for those responsible for maintenance of buildings and grounds, for food service personnel, for security, for office and committee staffs, for those who are on the floor and in the cloakrooms when the Senate is in session.

We thank Thee for the service and dedication of all of these who, though unheralded, are faithful at their daily tasks. May Thy blessing rest upon them, their families, and their labors.

We pray in His name who is the Servant of servants. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 28, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mrs. MURRAY and Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

## PRIVILEGE OF THE FLOOR—H.R. 2518

Mrs. MURRAY. Mr. President, I would like to ask that for the duration of the Hyde debate, floor privileges be granted to Ms. Amy Spencer. Ms. Spencer is a Georgetown women's law fellow in Senator MIKULSKI's office.

I ask unanimous consent that permission be granted to extend floor privileges to her for this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there be a period for morning business up to 25 minutes and that I be permitted to speak therein; that the time I utilize not be charged against the time of debate on the committee amendment on page 74; and that the time for recess be adjusted accordingly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RETIREMENT ANNOUNCEMENT

Mr. RIEGLE. Mr. President, I asked for the time this morning to indicate to my constituents, my colleagues, and my supporters that this will be my final term here in the Senate and I will not seek reelection in 1994. Lori and I reached the decision together, over the weekend, after much deep soul searching and reflection. Clearly, it is an emotional decision because both our hearts and minds are truly in public service work.

As every colleague and congressional spouse knows, politics at this level is a family business of the most intense kind. Among my considerations, two were overriding: My present Senate responsibilities and my present family responsibilities.

Let me address my Senate work duties first. With the new Clinton administration now in place, we face a historic opportunity to pass national health care reform legislation that will affect every person in America. It is an epic issue of great complexity, and I am deeply committed and have worked on this issue for many years.

A unique legislative window is now open to us and we must enact this health care reform over the next year during this Congress. Otherwise, the chance to do it may once again slip away.

As Senate chairman of the Finance Subcommittee on Health for Families and the Uninsured, I am directly assigned a key role with others for getting this health care reform package properly written and enacted. It is an urgent national need, and it will require many hundreds of hours of personal work over the next year. I want to do the best job that I possibly can in getting my part of this task done. I have already held 38 public hearings on health care and have written an entire health reform plan with Senators MITCHELL, KENNEDY, and ROCKEFELLER.

As I listened to President Clinton's powerful call to the Congress and to the Nation last week, I felt a deep sense of duty and personal responsibility to respond in kind. My Health Subcommittee chairmanship imposes extraordinary time and commitment. I welcomed it, and I now intend to meet it fully. Passage of health care reform also requires bipartisan cooperation and goodwill. That will be better achieved if I am not otherwise engaged in a partisan reelection campaign.

Beyond my health care duties, I also serve as chairman of the Senate Banking, Housing, and Urban Affairs Committee which has its own vital and full work agenda at this time. I have had the committee moving aggressively to get a fresh, new urban revitalization strategy in place for America. America is years late in this area, largely because the executive branch over the past 12 years really turned its back on our cities. Full generations of urban poor are being lost. The urban underclass is growing at a terrific rate. Detroit has the highest rate of child poverty of any American city. Recently, a mother of three was shot to death beside a bank teller machine by a 9-year-old who shows no comprehension of the crime he committed.

These growing manifestations of a clock-worn society require our most urgent attention. Working with the new administration, we must now do everything we can to reverse these trends.

Many of our new urban initiatives—empowerment and enterprise zones, increased earned income tax credit, making permanent low-income housing tax credits, the mortgage revenue bonds program, free vaccines for poor and uninsured children—were all just incorporated in the recent deficit-reduction package and they are now the law of the land. But other key pieces of the strategy, like community development banks, securitizing small business

loans, ending urban credit discrimination and price gobbling all, just moved through our committee last week with, I might say, a bipartisan vote of 18 to 1. We are now ready for floor action, and then a move to the conference with the House.

These special institutional work responsibilities as a full committee chairman also require an extraordinary amount of my time and attention in order to drive this work through the process. It has taken 17 years of effort here in the Senate trenches to now have the work leadership role in the Senate. I am absolutely determined to get this work done now while we have an open legislative window.

Over the past three decades, I have seen legislative windows open and then close abruptly. This legislative window could close in November 1994 like it did in 1980, when Democrats lost control of the Senate. So we must act now while we can.

A third vital area of personal work experience over many years was with the serious problems of American competitiveness, chronic and damaging trade deficits, the continuing erosion of the U.S. manufacturing and job base, and the grinding down of the working middle class.

As one born and raised in the industrial town of Flint, I have seen these problems firsthand. They were reflected in my earlier efforts to lead the Chrysler loan guarantee through the Senate, and draft and enact with Senator DANFORTH the super 301 trade law to deal with trade cheating by Japan and others, to do things to save and strengthen the United States job base.

Now, we face NAFTA efforts, a free-trade agreement with Mexico, which I strongly oppose.

While helping the administration on key areas of health care reform and urban revitalization, I found it necessary to confront the NAFTA agreement head-on. I believe NAFTA is fatally flawed and will be terribly destructive to the American job base. Michigan has already lost tens of thousands of good jobs to Mexico, and I believe NAFTA will make the job loss much worse.

While intelligent people of experience and conscience are on both sides of this issue, it is my deeply held conviction that NAFTA will severely damage the economy and country. It could not come at a worse time, as we struggle with defense conversion job loss, corporate downsizing, and other damaging economic riptides. If it were to pass, NAFTA would in effect increase the United States work force by some 50 million Mexican workers who will work for about one-seventh to one-ninth of what a comparable United States worker now earns.

So the fight against NAFTA is a fight to save the jobs of millions of our working people, jobs that under

NAFTA will be packed up and shipped to Mexico.

My announcement today should clear up the misconception of some that my aggressive opposition to NAFTA is based on reelection politics. Exactly the reverse is true. Defeating NAFTA requires a major commitment of time and work energy as I am spearheading the opposition's effort here in the Senate. The simple truth is that reelection campaigning drains time and effort that I just cannot afford if these multiple Senate work objectives are all to be met, and I intend to meet them all.

With the pressing Senate work duties and others I will not mention here, it just makes no sense to cut corners on my existing job responsibilities in order to spend the time campaigning and fundraising in an effort to win still another 6-year term. I believe I should give every ounce of my work energy to do my job now and let others who can spend the time and effort necessary to win the next 6-year term.

Let me also say that I want President Clinton to have a strong record of legislative achievement with which to earn and win a second 4-year term. The last Democratic President to be elected President and then reelected was Franklin Roosevelt. So it is not easy.

I have helped President Clinton on every legislative initiative to date, with the lone exception of NAFTA, where we have agreed to disagree. He and the First Lady have shown strong, energetic leadership, and the country is the better for it. He has been most generous to agree to come to Michigan next month to hear directly from the Michigan citizens about their health care concerns and later attend a campaign fundraising event in my behalf. Perhaps the focus of that fundraising event can be directed to help all the Michigan Democratic candidates running in 1994 and also help the Democratic Senate Campaign Committee as it strives to retain Senate control in 1994.

While I have spent time here explaining the job side of this decision, let me say that the family side is just as compelling.

On the family side of the equation, I face exactly the same conflict as my House colleague FRED UPTON, who recently declined to run for the Senate due to family considerations involving his two young children.

Very few current Senators have young children. I am one who does. My youngest two children, Ashley and Allison, are now 8½ years old and 20 months old, with Allison being the youngest of all Senate children. Both Ashley and Allison need adequate quality time with their dad now, just as I need time with them. Ashley has just started the third grade. She has a new ball glove and she and her dad need to play some catch. That and other normal family activity is nearly impos-

sible when I am away traveling virtually every moment the Senate is not in session, much of it campaigning.

We all know that the typical Senate workday starts early and ends late, despite the best efforts of our leadership. Those of us with children at home are finding we seldom get home in time for dinner with our families, and many evenings we even arrive too late to say good night to children, who have already gone to bed.

Now, families everywhere struggle with such demands. And Senate life here has been taking on, I would say, an increasing toll on family life, particularly with the heavy travel demand on weekends to our home States. I was once again reminded of this just 2 weeks ago when I traveled over 1,100 miles by car across Michigan to various stops—Grand Rapids, Muskegon, Traverse City, Posen, Bay City, Flint, Lansing, Sterling Heights, Warren, Detroit, and Dearborn. Like so many other weekends, Lori had to be both mother and dad, while I was once again an absent father.

If I were to serve another 6-year term, Ashley would then be 16 and Allison would be 9. If those intervening years were to speed by as the years thus far have, the real family cost has to be measured in terms that can never be recaptured, especially as a father who is now, as I stand here, 55 years old.

I do not want to leave the Senate after a fourth term in the year 2001 to finally return to a normal family life and, in fact, pass my daughter Ashley in the doorway as she is finishing high school and preparing to leave for college. All my children need more from me at this point in their lives than I have been able to give them, and I must change that.

I lost my dad last year. I loved him very much. He, too, was in politics and loved public service. I know firsthand how hard it is to lose family hours together when your dad is out campaigning and then never get them back. Harry Chapin's song "Cat's in the Hat" has gotten harder and harder for me to listen to.

So these and other important family responsibilities require more of my time and effort now and in the future. They cannot be set aside for another reelection campaign or another 6-year Senate term. Eight elections to the Congress will have to be enough. They add up to 28 years of continuous congressional services at the end of this term. Only six Senators now serving have longer congressional seniority than I do. It spans seven Presidents and can be said, I think, to constitute a full career here. My season of congressional services will, therefore, end with this current term next year.

As a family, we also want to return to Michigan so our children can be raised and educated in Michigan, put



their roots down there, and be closer to other family members. We love Michigan. We miss living there. We look forward to going home. For a time, we considered a plan to relocate to Michigan while still remaining here in the Senate, with me commuting back and forth to Washington each week by plane, as some Members do. But the more we considered it, the less practical it seemed. Given my advanced Senate seniority and heavy institutional work duties and our own family requirements, we finally concluded that that just was not a workable option.

While we will not be waging a Senate campaign, I do intend to stay active in politics, encouraging and supporting good Democratic candidates and actively supporting my party and its values and priorities. By announcing this decision now, strong new Democratic contenders will have the time they need to seek the nomination for this seat and build a winning campaign.

While I have no current plan to pursue any other elective office, I may well do so in the future when our children are more fully grown and we, as a family, are resituated again in Michigan.

When this Senate term ends in 15 months, I will return to private life and look for opportunities to create more private sector jobs in Michigan and participate in the development of good public policy. Most of all, I want to play some catch with Ashley, look at some books with Allison, and spend more time with my older children and our other family members, including that long postponed fishing trip which my daughter Laurie and I talked about last week.

My wife Lori, my best counselor and best friend, has been like the Rock of Gibraltar during our 15½ years of marriage. And we, too, need more time together. She has given thousands of hours of volunteer work within the office on virtually every key issue. She has had a great impact and has helped countless people. I could not have done this job without her, and I want to thank her for all of the hard work she has done.

Every colleague knows that our marriages need more than the weary shards of time that we are often left with after an exhausting Senate day or week. As this job has accelerated over the years, I have often described it as like riding a bullet. Little time is left for any semblance of normal living, a reality we all do our best to cope with. And as I will be 57 years old shortly after this term ends, I am rebalancing my priorities.

Understandably, some will wonder if we are leaving because Senate life is too frustrating and contemporary politics too brutalizing or whether I had deep doubts about winning a fourth Senate term. Let me address both points.

First, the frequently heard complaints about the frustratingly slow Senate work process, with its antiquated procedures, along with the miserable condition of our campaign financing system, are absolutely valid. As maddening and debilitating as they are, however, they are not the principal cause of my leaving, although they reinforce one's decision to leave, as Tim Wirth and Warren Rudman and others before me have said.

These corrosive problems are an everyday fact of life for every Senator. A single, willful colleague can tie the Senate in knots, as we so often see, and it then reduces the Senate to a shell of what it could or should be. Yet, even in the teeth of these impediments, it is still possible to accomplish important work here. And that is why many of us have stayed on. But by any objective measure, we are working harder and harder to achieve even modest policy gains.

Our political system is in serious trouble, and the Senate is squandering much of its relevancy. This requires more discussion than time permits today. It would take a book. But that helps underscore the urgent need to make the major legislative breakthroughs over the next year, over the next 12 months, as we now have an extraordinary chance to do.

On the 1994 Senate race in Michigan, let me admit, a large part of me would relish winning another Senate campaign. I love campaigns. I like meeting people face to face. Having that direct personal bond is the best part of the job. That I will greatly miss.

Despite the carping of some of my critics, I think it is fair to say most of the serious and respected political pundits of Michigan have indicated they expected me to win again next year now that the competitive picture is quite clear, the most recent being George Weeks in the Detroit News just 2 days ago predicting a reelection victory. My own recent polls show me receiving over 50 percent of the vote when matched against any well-known prospective challenger, all of whom ran far behind, including Michigan's present Governor.

My volunteer base is stronger than ever and I have, without false modesty, a number of important legislative accomplishments to highlight in a reelection campaign. Despite very tough self-imposed campaigning restrictions, we are raising all the contributions we would need for a winning campaign. There is not a doubt in my mind that I could conduct another winning campaign next year. In my last election in 1988, I received 2,116,865 votes, the highest total ever received by a Michigan Democratic Senate candidate. I am proud to leave that number there for others to challenge.

Now the most important part of what I want to say; I want to express my

deepest appreciation to the people of Michigan for allowing me this rare privilege of nearly three decades of service to my State and country. It has been an amazing period of our history. I have cast many thousands of votes and, as those who watch C-SPAN know, I have spoken out forcefully and often, and I will continue to do so until my last day here—and I have never pulled my punches. My family and I, along with my staff members and our supporters, have striven to give the full measure of our best effort. We have accomplished much, and where we have fallen short it has not been for lack of effort or good motive.

My main efforts here in Congress have been aimed at achieving economic, social, and racial justice for our people. That has been my driving passion. One of my proudest accomplishments is that I have nominated more African-American persons to the Federal judiciary than any Senator in our Nation's history.

I also want to thank the Senate for designating me as chairman of the Banking, Housing, and Urban Affairs Committee over the last 4½ years, a time of great challenge. Since assuming that chairmanship in 1989 I have been able to guide to passage landmark legislation of great importance to our country.

My actions as chairman have led to enactment of the sweeping reforms of the S&L industry, the toughest financial reform law in the past 50 years. That legislation stopped all the abuses, provided funds to prosecute the wrongdoers, and restructured the regulatory process, all of which has put the industry on a proper path toward solvency based on sound practice.

That was followed in 1991 by enactment of sweeping reforms of our commercial banking system. That bank reform bill strengthened regulatory standards and supervision, and reversed the negative trends that had threatened the very solvency of the Federal Deposit Insurance Fund. The banking industry is now back on a solid footing and, by strong, timely action, we have averted what could have become a systemic breakdown of our financial system. The committee has also moved aggressively to stop discriminatory lending practices and bring a full measure of equity and fairness to the everyday workings of our financial system. All these initiatives will have important and lasting value.

I am very proud of the committee's work during my tenure as chairman. I have insisted that we function on a bipartisan basis and every Member has contributed importantly. So I again thank the Senate for having entrusted me with this special responsibility at such a challenging time.

Let me now just in closing also say some other special thank you's, starting with my family members, for their

sacrifices and strong support over these many years. I want to thank, in addition to my wife Lori, who is here in the gallery with me now, my sister, Dee Riegle Torres, who like Lori has been a solid rock of support and encouragement at every point. I want also to express deepest thanks to all my loyal supporters and volunteers over these many years, and the truly exceptional staff members have worked so hard and accomplished so much that is good for the people.

I especially want to thank those who stepped forward to help early with this 1994 reelection effort, and my campaign staff, to whom I am also deeply grateful.

It is said that all things have their season. Eight elections to Federal office, three Senate terms and five House terms will have to mark my season. I look forward to finishing my work here with all the force at my command, without any of the distractions of a reelection campaign. I will give it my all for the next 15 months and come 1995 will then move on to new challenges.

I might just finally say, too, because a number of my colleagues are on the floor, and particularly the newer women Democratic Members of the Senate—and a veteran in that group, BARBARA MIKULSKI—I thank you more than I can say for your early endorsement of me, each of you, in this reelection campaign effort. That means a very great deal to me and is something I have a very special feeling and pride about.

So I will always leave a part of my heart here in the U.S. Senate where so many bonds of shared experience, teamwork and personal affection tie us all together. I thank my colleagues for permitting me to make these remarks here this morning.

I thank you, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### SENATOR RIEGLE'S ANNOUNCED RETIREMENT

Mr. SPECTER. Mr. President, I was very surprised to hear Senator RIEGLE's announcement this morning, when I came to the floor expecting to begin the debate on the Labor, Health, Human Services and Education bill. I do believe that the announcement by the distinguished Senator from Michigan takes precedence over any other Senate business. I am sorry to see that Senator RIEGLE will be ending his career in the Senate.

I had the opportunity and good fortune to work with Senator RIEGLE for 4 years on the Northeast-Midwest Coalition in my first year in the Senate after my election here in 1980. That is an organization which has cochairmen from each party, one from the Northeast and one from the Midwest.

I found my close work with Senator RIEGLE at that time to be very enjoy-

able and gratifying, and found Senator RIEGLE to be extremely capable, of the highest integrity, and always moving in lines of the best public policy as he saw it. I know it is a difficult decision. I see Lori Riegle in the gallery. It is obviously a very difficult matter. I empathize with Senator RIEGLE on the portion of his presentation, especially when he talks about the difficulties and travail in the Senate. There is no Member among the 535 of us in the Congress, or those who hold public office other places, who have not observed that as public officials. I know in my case nobody asked me to run for the Senate. I understand the pitfalls and the kinds of critiques. But I do think we are past the point where there ought to be a reevaluation. Fair criticism is fine, but there are vast excesses which we have in this country today.

I know in my own family, my sons, Shanin and Steve, have been a part of a political family since they attended their first election day. I was asked to be at the polls at 7 when the polls opened, and at 11 o'clock the night before. I had no time for a babysitter and they came at 7 and participated in the publicity of their father's first candidacy. They have great potential as public servants. But they would not touch it because they see what it is like. I am not so immodest to suggest the country may be deprived of potential public service of my sons and many others, who see what is happening. I think that is something we ought to pause on for just a moment this morning.

But the main point is Senator RIEGLE's contribution to his State and his country and to the Senate and to the Congress. I served with him on the Banking Committee where he did an outstanding job and he will be sorely missed as a Senator and as a friend.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa. May I suggest the period for morning business, without objection, be extended on the same terms for a little while.

Mr. HARKIN. I ask unanimous consent the period for morning business be extended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SENATOR RIEGLE'S RETIREMENT

Mr. HARKIN. Mr. President, It was like stepping into an ice cold shower when I walked onto the Senate floor this morning and heard my good friend DON RIEGLE say he was not seeking reelection. I have known DON RIEGLE since I first came to Congress in 1974—actually before that. I remember reading his book, "O Congress," and saying that is the kind of person I want to be associated with when I get to Congress.

Because I thought, in reading that book, he had the right kind of detachment from the rarefied atmosphere of the House of Representatives and the Senate, could look at it objectively. It was a book of good humor, but also an insight into how Congress operates. It was a reform type of book. It inspired a lot of us, I think, who came to that class, that "wannabe" class of 1974. I know a lot of us who were in that class looked to DON RIEGLE for leadership in the House of Representatives, in making some of the changes that we made.

All I can say is he has been a close friend for all these years, someone I have always looked up to for guidance and for counsel, someone I have shared many laughs with.

DON RIEGLE to me represents what it means to really be the finest public servant, an individual of deep intellect, of strong commitment and compassion. He is someone who has fought harder than anyone I have known for the working people in this country, the little person, I call them, someone out there who does not have the strong lobby and big powerful economic forces behind them. That is the individual DON RIEGLE has fought for all these years.

So there is going to be, really, an empty seat in this Senate. I am very saddened by this. I guess I am just going to have to sort it all out in my own mind. I know my wife Ruth and I send to DON and Lori our best wishes.

But we do have a long way to go before the end of the session, and if I know anything about DON RIEGLE, he is not going to go quietly into the night. He is going to be right here on the Senate floor and fighting for the things he talked about: Economic justice, social justice, racial equality in our country. That is what he always stood for, and that is what he will always stand for, because that is who DON RIEGLE is.

I am just as proud as I can be that he gave this many years of his life to both the House and the Senate. I am deeply proud to call him a real friend.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Illinois.

#### A GENUINE HUMAN BEING— SENATOR DON RIEGLE

Ms. MOSELEY-BRAUN. Mr. President, I, too, would like to add my voice—of sadness, really—about the announcement that Senator RIEGLE has just made. We were all shocked by it. I had come on the floor to talk with Senator RIEGLE just a few minutes before. We talked about Senate business. I had no clue that he was going to announce his intent not to run for reelection.

It is always a sadness, Mr. President, when a champion decides not to reenter the race, and I daresay, while I have not had the experience and the



time that DON RIEGLE, TOM HARKIN, ARLEN SPECTER, or some of the others have had, I have found him in my 9 months in the Senate to be nothing less than a champion, to be nothing less than someone who was there for the little guy, someone who cared deeply and passionately about the issues and, most importantly, who is a genuine, genuine human being.

DON RIEGLE took me under his wing when I first got here. I have often been asked how I found the U.S. Senate coming in as the first African-American woman, how I was received by my colleagues, the kind of treatment that I received when I arrived here. I always point to the first meeting I had with DON RIEGLE in his office, even before I took my seat. He said, "You're going to be fine. We're going to work together. I'd love to have you on my committee."

I went on the Banking Committee, and I found he was true to his word in every possible way. He guided me through some of the intricacies of what was going on in that committee. He addressed the kind of issues I cared about: Issues going to how poor people were treated in our financial system, whether or not there was equality of opportunity, what kinds of access to capital women business owners and African-Americans, Asians, Hispanics and minorities have. He talked about the kinds of things that I knew when I got here I wanted to talk about. He gave me an opportunity to participate in discussions with the leaders of the financial industries in this country about the direction that our country was going to take, and what kind of America we were going to have, what kind of system we were going to have, and whether that was going to reflect the true ideals of our country.

DON RIEGLE has been just a real stalwart and a real friend to me. While I have not, again, known him as long as some others, I hope he will consider me to be one of his newest, "bestest" buddies who will be a lifelong friend. I certainly have all the respect in the world for him and regard for him. I think it is going to be a tremendous loss to this body, to the Senate, as well as to our country that he will no longer stand for reelection to this body.

Following my leader, Senator MIKULSKI, and other women Members, freshmen Members who are here, we all endorsed DON RIEGLE's reelection bid early. We thought this was one of the good men who we absolutely would stand by as part of our effort to open up and make the Senate look like America.

We want the Senate to look like the America DON RIEGLE stands for, and I think we are all going to have to redouble our efforts now that he is not going to be here in the next term of the U.S. Senate. We all are going to miss you, DON. I just want to say I feel very

privileged to have been able to serve this time with you.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak for 1 minute in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DON RIEGLE—WE LOVE WHAT YOU HAVE DONE

Ms. MIKULSKI. Mr. President, I rise not only as one of the five Democratic women in the U.S. Senate who were enthusiastic in our endorsement of Senator RIEGLE, but I also rise as chair of the VA-HUD Appropriations Committee. I rise in tribute to the authorizer, the authorizer of housing and banking legislation in the United States of America. And I, as the appropriator, whose responsibility it is to try to make wise decisions to put money in the Federal checkbook around the authorization, I can say that Senator RIEGLE has truly been an architect for housing policy in the United States of America. His approach has been to see housing framework as a way not only to provide shelter for the homeless but also to look at how we can generate jobs today and opportunity tomorrow.

He has looked at the modernization of public housing, getting the lead out of public housing, getting the drugs out of public housing. He saw that as a way to generate jobs in the construction industry and also to provide an opportunity ladder for those who are in public housing for it not to be a way of life but to be a way to a better life.

As we see the homeless ever-growing on our streets, Senator RIEGLE's commitment to dealing with those who have been left out and left behind has been unabashed.

On the Finance Committee, on which I do not serve, I know he has been an able advocate, again, of jobs in manufacturing. But if there could be one thing that sums up Senator RIEGLE's whole commitment to public service it is that he believed in empowerment, he believed in empowerment to give help to those who practiced self-help here. He believed in empowerment of people around the world in promoting democracy, and he believed in the empowerment of newcomers to the U.S. Senate.

I, too, welcomed his advice and counsel when I first came to this Senate, and I will always welcome that advice and counsel wherever Senator RIEGLE seeks to choose to exercise his considerable God-given talents. This is not meant to be a eulogy. It is meant to say we love what you have done, DON, and we are ready to rock and roll in the next 15 months in meeting that agenda.

Mrs. MURRAY addressed the Chair. The PRESIDING OFFICER. The Senator from Washington.

#### TO SENATOR RIEGLE—THE ABSOLUTE BEST OF LUCK

Mrs. MURRAY. Mr. President, I just wish to add my words to the words that have come before me from my colleagues in wishing Senator RIEGLE, the Senator from Michigan, the absolute best of luck. Your announcement has taken us by astonishment, and I share the words of my colleague from Illinois, Senator CAROL MOSELEY-BRAUN.

Senator RIEGLE, when I came to the Senate, I did not know what kind of a reception I would get here, and you were one of the first who extended your hand and said, "I'll help you and let me know what you need," and I appreciate it very much.

It especially saddens me today, your reason for departing, because, as you and I have discussed many times, it is so difficult to be a U.S. Senator and a parent as well, to try and balance the job of being a parent with the job of being a U.S. Senator. It bothers me that we have to choose between those two roles. I hope the message that comes out of your retirement is that we in the U.S. Senate have to do a better job of managing our time here so that Senators do not have to make that choice in the future.

Senator RIEGLE, I wish you the very best of luck, and I thank you for having served with you.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### RETIREMENT OF SENATOR DON RIEGLE

Mr. SMITH. Mr. President, I also would like to take this opportunity to respond to the rather surprise announcement by my friend from Michigan. I just want to mention two very brief things that he addressed. One he addressed and one he did not.

I will always remember Senator RIEGLE for the support and the behind-the-scenes, very kind and encouraging remarks you made to me throughout this whole investigation of the POW matter.

A lot of the American people need to know not only of his support but keen interest in it. He has on many occasions gone out of his way to encourage me at some times when things were pretty rough, especially during the Senate investigation. I will always remember that and be very grateful to the Senator for it.

Second, I think it is also a sad commentary in many ways, as was just said, that the demands of this job have such an impact on our family lives. Thinking about my own reelection in 1996, it has crossed my mind many

times whether or not the decision would be worth it in terms of the family sacrifice. I think we can all identify, there is not a Senator here who cannot identify, with a missed fishing trip or missed dinner, more than once. The demands are heavy on all of us, especially on our families. It is tough enough on us, but it is worse on them.

The Senator certainly in a very moving way brought that matter to a head. I hope that if anything positive could come out of what he said in that regard, it would be that somehow we could change things around here to set a timetable or a schedule so that we could leave for work in the morning and tell our wives and children, our husbands and children, whatever the case may be, look, we will be home at 6 or we will be here all night, we will not be home until 5 in the morning, but at least be able to tell them. There is not any reason we cannot make an agreement to have votes specific and talk all night if people want to talk but votes can be at a certain time so we can make plans and adjust our schedules accordingly.

So this is one friend that wishes you the very best and your family as well. Thank you.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

#### RETIREMENT OF SENATOR RIEGLE

Mrs. BOXER. Mr. President, this morning I was getting ready to come to the floor to debate the Hyde amendment. I had my TV set on at home—I live right near here—and when I saw the Senator from Michigan stand up, I said, "Well, what great issue is he going to tell us about today?" The last time I was doing a similar thing, Senator RIEGLE broke the news really about the terrible health problems that gulf war veterans are facing. And when I heard the subject of his statement this morning, I involuntarily yelled, "Oh, no," because I think the Senator knows how much I respect what he fights for and in what he believes.

When I came to the Senate from the House of Representatives and joined the new class, it was very evident to me the people who stand up and fight for our working families—the people who do not wear the pinstriped suits and cannot afford to come here. Senator RIEGLE is their champion.

So I say to his family, you are about to gain a wonderful, new, invigorated presence. But in this Senate we are going to lose a fighter for the people. I am so proud that the Democratic women, way back when and without being asked, said we want this man back here with all of his force and strength. I am so pleased that we did that.

Senator RIEGLE, you are my chairman. We are going to work hard to

make life better for people, and I am going to miss you very much.

I yield the floor.

#### SENATOR DON RIEGLE OF MICHIGAN

Mr. LEVIN. Mr. President, I was shocked to be told that Senator RIEGLE, my friend and my colleague from Michigan, is not going to be running for reelection next year.

There was no warning to the people of Michigan. Quite the opposite; DON was gearing up for another winning campaign. So that there is no doubt in anyone's mind about this—there is no doubt in mine, nor in, I think, the minds of the political commentators of Michigan—that DON RIEGLE was going to win his next reelection.

Most recently, a column from the Detroit News reported the feeling of that columnist that Senator RIEGLE was on his way to reelection for a number of reasons. First and foremost, he is an impassioned voice for working men and women. He fights for issues that the people care about who work, day in and day out, to raise their families. Whether the issue is trade, where he is a strong opponent of NAFTA; whether it is for unemployment compensation; whether it is for a fair tax system—you name the issue that matters for the working men and women of Michigan and America—DON RIEGLE is on their side, standing up, and in the words of Elie Wiesel, speaking truth to power.

He did it during the Vietnam war. He had a running start on his approach to power. That is that when there is a moral issue, an issue which is of great moment to the people of his State and to the Nation, that he will speak the truth as he sees it, regardless of whether or not he is stepping on some toes at the same time.

He is a powerful speaker. He is a courageous Senator. He is one of the Senators in this body who is willing to stand up on issues, even though it creates some difficulties and ruffles some feathers around here.

I have watched him. I admire the way he addresses issues. As long as I have been in the Senate, he has been my senior Senator. He has helped me immeasurably along the way. I am very much in his debt for all he has done to make that possible.

He decided to put his family first. He has two young children now, and he wants to be with his young children. Even though he was going to win this campaign, the requirements of the campaign were such that, day in and day out, every night, he is out there on the hustings, out having to raise funds for his reelection. It was a choice that he made with clear conscience.

I spoke with him very briefly just a few moments ago. It was a choice that he made for his family. It was a choice he will make for Lori and the kids.

Even though I am surprised, I am shocked, and it is hard for me to accept that decision, I understand that decision. Any of us in this body that has to go through a reelection campaign that has a family, that has to go through the fundraising rigors, can understand what even someone as tough and strong and dynamic as DON RIEGLE has decided: That he wants to put his family first and not go through that kind of campaign again.

So as sad as I am that he will not be here 2 years from now, I understand that decision. I am grateful for the time that he has been able to give to his State and to the Nation. I know that he will now be able to spend more time with his beloved wife, Lori, and the kids, and that he will be grateful for that.

We look forward to the many months that he has left here as a continuation of a great career, and then afterward to a new career, which he deserves, whatever that may be.

I thank again my friends for allowing me to speak.

I yield the floor.

#### THE RETIREMENT OF SENATOR RIEGLE

Mr. KENNEDY. Mr. President, DON RIEGLE's announcement that he will not seek reelection comes as a surprise and shock to all of us in the Senate. He is an outstanding Senator and a loyal friend. His wisdom, hard work, and commitment to public service will be missed by his constituents in Michigan, by his colleagues in the Senate, and by Americans throughout the Nation who admire his ability and have benefited from his extraordinary achievements in more than a quarter century of distinguished public service.

DON RIEGLE has been an effective and tenacious leader on the most important issues facing Congress. As a young Congressman in the House of Representatives in the 1960's and early 1970's, he was an eloquent voice against the Vietnam war, and his leadership helped to end that war which America never should have fought.

I first came to know DON in those years, and we have been friends ever since. He had been named 1 of the 10 outstanding young men of the year by the Junior Chamber of Commerce, and I attended a reception where he spoke. Even after the passage of nearly two decades, I still recall the force of his personality and the power of his vision of the future for the Nation.

After DON's election to the Senate in 1976, it was a privilege to serve with him on the Labor and Human Resources Committee. It was clear from the beginning that he had a thorough understanding of the needs of working families and that he would be an effective leader for more jobs, better education, decent housing, and higher



quality health care for his constituents and the Nation.

With his decision today, it is clear that every working man and woman is losing a powerful voice in the Senate for justice and fairness and opportunity. Every senior citizen is losing one of the strongest defenders of Social Security and Medicare that those two vital programs have ever had. And consumers throughout the Nation are losing one of their most effective advocates.

I know that the decision he has announced today has been a difficult and painful one. Like all of us who know DON RIEGLE, I am confident he would have prevailed in this campaign. But I respect his decision to put his responsibility to his family first. We feel a sense of joy and relief for Lori and their children, but we also feel a sense of sadness and regret for the Senate, and especially for the people of Michigan he has served so well.

#### SENATOR DONALD RIEGLE

Mr. WELLSTONE. Mr. President, if I could—seeing that the Senator from Maryland is here and I know that he wants to speak about Senator RIEGLE—I would like to take 1 minute, because Senator SARBANES has known Senator RIEGLE for a far longer period of time than I have.

I just repeat what I said to Senator RIEGLE when I learned the news that he was not running for office again. I told him that when I see my wife Sheila, I am going to tell her that I am really very disappointed, I am really down about it.

Because I will tell you, as somebody who has been here just a few years, when I think about these issues—Senator SARBANES has been maybe the most powerful voice in the Senate on this—when I think of issues of employment and jobs and decent wages and basic economic justice, issues that are so important to the vast majority of people in this Nation, I do not know that there has been a Senator that has stood up for people in a stronger way than Senator RIEGLE.

He combines a savvy, an experience, and immense ability as a U.S. Senator with an unbelievable commitment to people.

I am very disappointed at his decision. If it was a good decision for Senator RIEGLE and it is a good decision for his family, then it is the right decision.

I just have to say, as someone who has watched him and appreciated his commitments in many of the issues that I care about, I think it will be a real loss to the U.S. Senate and a real loss to our country.

#### SENATOR DONALD RIEGLE

Mr. SARBANES. Mr. President, I, like many of my colleagues, was sad-

dened by Senator RIEGLE's announcement earlier today that he would not seek reelection to the U.S. Senate.

He has been a close friend of mine since even before we came to the Senate, but even more so since we both came to the Senate in 1976. I am going to miss him very, very much. He has been a friend and he has been an ally on some of the toughest fights on the floor of the Senate on behalf of working men and women in this country. There is no one in the Senate who has taken a more forthright and determined stance in defense of working people in America than Senator DON RIEGLE, of Michigan, and his voice and his efforts are going to be sorely missed in this body.

I want to note that he will remain chairman of the Banking, Housing, and Urban Affairs Committee for the next 15 months. He has done an extraordinary job as chairman of the committee. He has led that committee through some very difficult issues. For example, landmark legislation has been shaped under his leadership dealing with the safety and soundness of our savings and loan and banking industry, affordable housing for millions of Americans across the country, an urban policy, the Community Development Block Grant Program. On many of the issues that would be forgotten, Senator RIEGLE has been there on the front line urging them in the committee, in this body, and in the country.

I understand the reasons. I am privileged to know his lovely wife Lori and his two young children, Ashley and Allison. I know how much they mean to Senator RIEGLE and how much of a concern it has been to him that he should be there as a father of his two young daughters, one not quite 2 and the other 9, as they grow up.

So in a way, his decision is understandable in those personal terms.

But in public policy terms, the Senate will have lost one of its great champions on behalf of equity and fairness in the working of our economic system, one of the great champions for opportunity for all of our people, one of the great champions to ensure that every young child's talents and abilities should have developed to their fullest capacity.

I, for one, am going to miss him very much. I intend to continue to work closely with him in the 15 months in which he will continue to serve in the U.S. Senate, continue to chair the Banking Committee in his vigorous and effective way on behalf of the people of this country.

Mr. President, I yield the floor.

#### SENATOR DONALD RIEGLE

Mr. METZENBAUM. Mr. President, it was a bombshell. I could not believe my ears when I heard my good friend DON RIEGLE this morning indicating that he would not run for reelection.

He and I were seatmates back there. We were great, good friends. My wife Shirley and I went up when he and his wife were married. And I remember that occasion so well, way up in the northern part of Michigan.

I always considered DON very special. It is indeed with a real sense of sadness that I learned that he is not going to run for reelection to the Senate next year.

DON RIEGLE is a very, very specific kind of U.S. Senator. He has been a voice of strength. He has been progressive. He has been courageous. And he will, indeed, be missed in this body.

I understand his decision and I respect it because I know how close he is with his lovely wife, Lori, and Ashley and Allison, his children. They are beautiful children and I know he wants to spend some time with them.

I spoke with him this morning. I was very touched, and I could understand it as a father and grandfather when he said Allison wanted to throw a ball with him, a new ball she had, for a period of about a month, and he had not been able to find the time. He found 5 minutes for her before he had to leave on some fundraising trip.

So I understand full well his priorities and recognize and respect his decision to spend more time with his family. It is certainly a decision he will not regret.

But I will say this, that their gain will be a loss to this country and a loss to this body. I am very pleased that he intends to use the time remaining in this session to seize a rare and historic opportunity to reform the Nation's health care system. He will do the job and do it well. His Subcommittee on Finance will place him at the center of the debate, and without the distractions of a campaign to run, I know the concerns of the people of this country will be served by DON RIEGLE. He has guts. He has courage. He has compassion. He has brains.

He and I will be working closely together before the close of this session. We will make the battle to defeat NAFTA and DON will be providing a leadership role in connection with that.

He and I have worked closely on a committee the Senator from Maryland talked about a few moments ago, the Banking Committee. Although I am not on the Banking Committee, I have had a strong interest in the activities of the Banking Committee, activities such as the concern of people being able to cash their checks at banks. Banks are not willing to let them do that unless they have some special kind of relationship with the bank. So they are forced to go to the money-cashing stores and pay high fees. DON RIEGLE empathized and sympathized with those people.

With respect to the RTC, which has been one of the greatest tragedies of

this country from a financial standpoint, nobody has been more resolute, nobody has been more determined, nobody has been more willing to stand up and be counted, to see to it the officers and the directors do not get off scot-free, to see to it the RTC meets its responsibilities.

I participated in a hearing at Senator RIEGLE's invitation just the other day, one of the most momentous, most moving hearings I have ever attended in the U.S. Senate, when 11 people—I think it was 11—came forward from across the country and told of the chicanery and improprieties and illegalities that were going on at the RTC. They had courage. But they knew, in standing before Senator RIEGLE's committee, their position would be protected.

I cannot conclude without pointing out it will be a personal loss for me. I will not be here, so I would not have been able to spend that much more time with him. But I consider him one of my very best friends in this body. The country will suffer a great loss. He is a magnificent Senator, a great human being, and a warm, close personal friend of mine.

I am indeed sorry Senator RIEGLE has decided not to run for reelection, but I certainly understand it.

#### REGARDING S. 1493, REPEALING SANCTIONS AGAINST SOUTH AFRICA

Mr. HELMS. Mr. President, I commend the able Senator from Kansas and I am honored to cosponsor S. 1493, her legislation to remove the remaining sanctions against South Africa.

It was not the Senate's finest hour when it voted to impose sanctions in the first place. I opposed the Senate's action then and, I submit, Mr. President, that the sanctions damaged the South African economy at a time when every possible resource at its disposal was needed to weather the transition facing the people of that fine nation, a nation which had always been an ally of the United States.

Mr. President, some Senators support this legislation largely because Nelson Mandela and the African National Congress have called for it. That is certainly not my motivation. Quite to the contrary, I confess that I continue to have grave concerns about the African National Congress and its links to the South African Communist Party.

Repeal of sanctions will not guarantee investment in South Africa. Investors require stability and certainty, and South Africa currently is not in a position to offer either. More than 1,200 people have been murdered in the past 2 months alone. The concerns of several political parties regarding regional powers and individual liberties have not been met. Some of those parties have hinted at civil war.

On the economic front, Mr. President, the current draft of South Africa's interim constitution subordinates economic and property rights to vague principles of social justice. Even those protections and rights which are contained in this constitution may be lost when it expires in 2 years. No one can reliably predict what shape the new and permanent constitution will take. This uncertainty will make even the boldest investor hesitate.

In any case, Mr. President, this bill has the virtue of repealing the remaining U.S. Federal sanctions. States and municipalities, if they wish to act responsibly, will repeal their remaining sanctions as well. Canada, the European Community, and others should do the same. But South Africa can bring prosperity to itself only with sound economic policies and strong legal protection of economic and individual liberty.

#### REFUGEE ADMISSIONS FOR 1994

Mr. KENNEDY. Mr. President, as required by the Refugee Act of 1980, the Judiciary Committee held a hearing last week with Secretary of State Warren Christopher to consult on the number of refugees to be admitted to the United States next year, and to review worldwide refugee programs.

This week, the committee completed the consultation process by sending the following letter to the President, which I ask be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 27, 1993.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: Under the provisions of the Refugee Act of 1980 (P.L. 96-212), members of the Committee on the Judiciary have now consulted with your representative, Secretary of State Warren Christopher, on the proposed admissions of refugees for fiscal year 1994.

We are particularly gratified that your Administration has taken steps necessary to assure that funding for the resettlement of refugees more accurately matches the numbers to be admitted. As you probably know, over the past several consultations the Committee has expressed its concern over the continuing high level of refugee admissions accompanied by a failure to provide funding levels adequate to meet the resettlement needs of the refugees admitted.

This said, we remain concerned that current funding levels—approximately eight months of federal reimbursement—still fall short of actual needs. We would urge the Administration to move towards an assistance program of at least 12 months, through reforms and other savings like those envisioned in the refugee reauthorization bill this Committee reported favorably to the Senate in the 102nd Congress (S. 1941, Report 102-316, July 2, 1992).

In addition, the Committee is gratified to learn of the Administration's commitment

to end the "pipeline" of in-country processing which has developed over recent years—to shift this flow to more appropriate immigrant-related preferences—and to reserve refugee admission numbers for those truly in need of immediate resettlement to avoid persecution or threat of life and safety. The Committee will continue to monitor progress in this area over the coming year.

The Committee continues to support the objectives of our Nation's program to assist refugees of "special humanitarian concern" to the United States, and we accept your proposals to do so during the coming fiscal year.

With best wishes,

Sincerely,

Orrin G. Hatch, Ranking Member, Committee on the Judiciary; Alan K. Simpson, Ranking Member, Subcommittee on Immigration and Refugee Affairs; Joseph R. Biden, Jr., Chairman, Committee on the Judiciary; Edward M. Kennedy, Chairman, Subcommittee on Immigration and Refugee Affairs.

Mr. KENNEDY. In addition, Mr. President, I would like to share the text of Secretary Christopher's prepared testimony, and the following two tables that outline the 1993 ceilings and actual admissions, and the proposed ceilings for 1994—which are approximately 10,000 less than the previous year.

I ask they be included in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE I.—REFUGEE ADMISSIONS IN FISCAL YEAR 1992 AND FISCAL YEAR 1993

Region	Fiscal year		Estimated 1993 arrivals thru July 1993	Total fiscal year 1993 anticipated
	1992 actual	1993 Ceiling		
Africa .....	5,491	7,000	3,831	7,000
East Asia .....	51,848	51,000	42,380	51,000
Eastern Europe .....	2,886	12,725	1,474	2,725
Latin America/Caribbean .....	2,924	4,500	3,252	4,500
Near East/South Asia .....	6,844	7,000	5,886	7,000
Former Soviet Union .....	61,298	49,775	40,451	49,775
Former Soviet Union/Eastern Europe <sup>1</sup> .....				
U.N. allocated reserve .....	30	20		
PSI .....	853	10,000	251	500
Total .....	132,144	132,000	97,525	122,500

<sup>1</sup> 1,000 numbers in original ceiling reallocated from East Asia to Eastern Europe. 225 numbers in original ceiling reallocated from Former Soviet Union to Europe.

<sup>2</sup> 1,000 numbers allocated to Latin America/Caribbean in fiscal year 1993.

<sup>3</sup> 1,000 numbers allocated to Near East/South Asia in fiscal year 1992.

<sup>4</sup> Former Soviet Union and Eastern Europe ceilings are being combined in fiscal year 1994.

The President proposes to respond to the humanitarian needs of refugees by establishing for FY 1994 an admissions ceiling of 121,000 refugees for permanent resettlement in the United States. Proposed allocations within this ceiling are shown in Table II below:

TABLE II.—Proposal for U.S. refugee admissions in fiscal year 1994

Area of Origin:	Proposed Ceiling
Africa .....	7,000
East Asia .....	145,000
Former Soviet Union/Eastern Europe .....	55,000
Latin America and the Caribbean .....	4,000
Near East and South Asia .....	6,000



	Proposed Ceiling
Area of Origin:	
Unallocated Reserve .....	3,000
Subtotal .....	120,000
Private Sector Programs .....	1,000
Total .....	121,000

<sup>1</sup>This figure includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same benefits as refugees.

STATEMENT OF THE HONORABLE WARREN CHRISTOPHER, SECRETARY OF STATE BEFORE THE SENATE COMMITTEE ON THE JUDICIARY SEPTEMBER 23, 1993

Mr. Chairman and Members of the Committee:

I am very pleased to appear before the Committee today to outline the President's proposal for the admission of 120,000 refugees to the United States in fiscal year 1994. The Committee has already received a report that provides detailed information about refugee admissions, as required by the Refugee Act. It is our hope that the 1994 refugee admissions program will receive the broad bipartisan support from the Congress that it has received in the past.

Before turning specifically to the refugee admissions program, however, I would like to comment briefly on the past year's worldwide refugee situation and the future direction of U.S. refugee policy.

Positive political changes in several parts of the world have reduced the "push" factor—the conditions that impel people to leave their countries—and increased the "pull" factor—the conditions that cause people to return home.

In Cambodia, a major repatriation effort, directed by the UNHCR, resulted in the return of 370,000 persons from camps along the Thai-Cambodian border. An internationally-sanctioned election in May of this year will enable repatriated refugees to re-build their society.

In Afghanistan and Central America, refugees continue to return home.

Following a political settlement in Mozambique, upwards of 200,000 refugees have returned home in the past year.

For the first time in almost two years, there is hope that respect for human rights and democracy will be restored to Haiti. When implemented, the Governor's Island accords, together with the resumption of economic development, will help put an end to the despair that has caused so many Haitians to leave their country.

The prospects for peace in the Middle East have never been brighter. The agreement signed in Washington on September 13 is a major step in a process that will address the needs of the Palestinian refugees. We are only at the beginning, and much work will have to be done, but the foundations have been laid. It is the responsibility of the United States and the rest of the international community to help the Palestinians and the Israelis continue the peace process.

On the other hand, genuine Human tragedies in the former Yugoslavia and the Horn of Africa are creating hundreds of thousands of refugees. In Bosnia-Herzegovina, we continue our efforts to assist the more than 4 million displaced persons and refugees in the area. The United States has contributed over \$350 million to the relief effort. We continue to look for ways and means to increase assistance. We are very concerned about the shortage of both funding and food for the United Nations agencies working in the former Yugoslavia. Under almost any scenario, the problems of food and shelter will

be a major challenge to the international community this winter. We are encouraging action by other nations, especially the European countries, which we believe have a special responsibility for providing humanitarian assistance to the region.

#### MIGRATION

In addition to these widely-publicized conflicts, there is also overall migration of persons around the world as the result of population pressures, poverty, environmental degradation and other factors. While seeking to aid refugees, we must be resolute in our efforts to improve conditions so as to make it possible for would-be migrants to opt to remain at home. This Administration's determination to spur world economic growth through efforts such as NAFTA and the Uruguay Round, will help. So will our work on global issues such as population and the environment.

While legal immigration enriches our country, it is important to reduce illegal immigration. The President has already taken significant steps and has placed proposals before the Congress to address illegal immigration to the United States in a more effective manner. Improvements include increasing border control resources, improving visa issuance procedures, our repatriating illegal and criminal aliens and increasing criminal penalties for alien smuggling. At the same time, we will seek to ensure protection for genuine refugees who are fleeing persecution.

#### NEW APPROACHES TO REFUGEE ASSISTANCE

Ten years ago there were approximately 8 million refugees worldwide; now there are an estimated 18 million. Ten years ago, most of those assisted had crossed an international border to become refugees. Now many populations receiving assistance are displaced persons still within their national borders. This complicates relief efforts—and also creates security problems for the UN and NGO personnel engaged in relief—as we have seen all too often in Bosnia and Somalia.

The United Nations system has begun to move more effectively to coordinate its emergency relief activities in complex emergencies. UNHCR, the World Food Program, UNICEF, and the World Health Organization have taken measures to improve their emergency response capabilities. All have played an important role in Bosnia. Further work is needed, in particular the coordination of humanitarian activities with peace-keeping and political affairs at UN Headquarters. Enhancing such coordination is an important foreign policy objective for the Clinton Administration. We have also moved to streamline our own refugee programs; I will have more to say on that in a moment.

In responding to large-scale refugee emergencies, we believe that two objectives must be pursued simultaneously: (1) humanitarian assistance and protection for those in need, and (2) durable solutions, especially conflict resolution and repatriation when conditions permit. We must recognize that third-country resettlement, while an appropriate option in many cases, is not a realistic alternative for the large majority of the world's nearly 18 million refugees.

#### REFUGEE ADMISSIONS

As reported before this Committee last year, current trends indicate that the number of persons requiring permanent resettlement in the United States should decline significantly in the next few years. By year end, we will have met our commitment to resettle in the United States all known and eligible Amerasian children and their families from Vietnam. Within the next two years, we anticipate that all eligible Vietnamese re-education camp prisoners, that is, those in-

terned for more than three years because of their association with the U.S., will have entered the U.S. We also expect that within the next two years, we will need to bring the Soviet refugee admissions program into conformity with emerging realities in the former Soviet Union. In the future, the U.S. will continue, although on a smaller scale, to resettle our fair share of those refugees who have no alternative to resettlement.

I would like to address for a moment the recent expressions of concern in the Congress and the press about the resettlement of Iraqi refugees in the United States. Contrary to some press reports, no one is resettled in the United States without demonstrating a well-founded fear of persecution. Many of these Iraqi refugees have credible accounts of torture and abuse. Many of the Iraqi draftees held little enthusiasm for the war and fled their country early on—sometimes at the behest of the allied forces. These deserters actively opposed the regime and formed the corps of freedom fighters who refused to participate in the invasion of Kuwait and who fought to overthrow Saddam in March of 1991. Many were themselves members of persecuted ethnic or religious minority groups.

We fully recognize that members of Congress want to be reassured that our government will not resettle Iraqi soldiers who took up arms against our country. We are prepared to explore additional safeguards to ensure against U.S. entry of those whose activities might have been inimical to U.S. interests. However, all available evidence, including a just completed review of several hundred recent cases, indicates that all accepted applicants were deserving beneficiaries of our humanitarian effort. Those who fail to meet our rigorous criteria are not admitted for resettlement. It is an honorable policy, in full accord with the American tradition.

The President's proposal for fiscal year 1994 permits the funded admission of 120,000 refugees—a reduction of 2,000 from the current fiscal year. I am pleased to report that as part of this year's consultations process, improved high level coordination between State and HHS has permitted us to ensure that sufficient funds will be available to cover the costs of resettlement of up to 120,000 refugees.

Since 1990, separate regional ceilings have been used for the former Soviet Union and for Eastern Europe. However, given the crisis in the former Yugoslavia and the need for maximum flexibility in refugee admissions processing, we propose to recombine these two ceilings for fiscal year 1994.

We propose that the 120,000 admissions numbers be divided as follows: East Asia—45,000; Former Soviet Union and Eastern Europe—55,000; Near East/South Asia—6,000; Africa—7,000; and Latin America/Caribbean—4,000. In addition, we have included an unallocated reserve of 3,000 numbers, up from 1,000 numbers last year. This reserve, after consultation with Congress, could be used in regions where allocated numbers prove to be insufficient.

In connection with next year's program, we note that last year we initiated or improved several refugee admission programs, most notably for Haitians and Bosnians. The week after President Clinton's inauguration, a technical team composed of State Department, INS and Congressional staff, travelled to Haiti to determine ways to enhance in-country refugee processing. That effort was

in support of the President's commitment to expand viable alternatives to perilous boat departures. Based upon the team's recommendations, significant improvements to the program were made. We doubt processing capacity, streamlined processing procedures, opened two new refugee processing facilities, and expanded access to those Haitians interdicted by the Coast Guard. Our policy towards Haitian migrants and refugees is under continual review and we will consult with Congress on this important issue as political developments unfold.

As I stated earlier, the United States has committed a significant amount of money and materiel to help Bosnians who are displaced within Bosnia or have become refugees beyond its borders. We continue to believe that assistance in piece should be the primary focus of our efforts. However, we do believe that it is necessary to admit certain groups of special humanitarian concern. Moreover, while we hope there will be a peace agreement that will allow Bosnians to return home, we also recognize that with little warning, this program may have to be expanded further.

#### CONCLUSION

The U.S. refugee program has enjoyed broad bipartisan support over the years. There is a great American tradition of providing refuge to the persecuted. This tradition goes back to the founding of our nation. It links generations of Americans to one another. It reinforces our democratic values. Indeed, it is part of our national identity. Under President Clinton's leadership, this noble tradition will continue.

#### NELSON MANDELA'S ADDRESS TO THE UNITED NATIONS

Mr. KENNEDY. Mr. President, last Friday, Nelson Mandela, the courageous President of the African National Congress, delivered a thoughtful and eloquent address to the United Nations.

In his address, Nelson Mandela observed that he and the representatives of the world community had worked together for many years to defend human dignity. Together, they had been outraged by South Africa's brutal and repressive apartheid policies. Together, they had struggled to end it. And, as a consequence of their efforts, all South Africans will soon have the opportunity to participate in the first nonracial democratic election in South African history.

The preceding day, the white-dominated South African Parliament had yielded to the forces of democracy and approved the creation of a multiracial Transitional Executive Council to oversee key government functions. Recognizing this historic step as the end of the cruel legacy of apartheid and the beginning of a nonracial democracy in South Africa, Nelson Mandela thanked the world community for its engagement in the common struggle to end the system of apartheid. To strengthen the forces of democratic change and help create the conditions for stability and economic progress, he also appealed to the international community to end the economic sanctions

that had helped bring South Africa to this day.

Within hours of Nelson Mandela's address, the Senate unanimously approved legislation that will repeal most of the Federal prohibitions on economic contact with South Africa, and that will repeal the remaining provisions upon the President's certification to Congress that an interim government has been elected in South Africa on a nonracial basis through free and fair elections.

This legislation also emphasizes the importance of continuing assistance to South Africa during the transitional process to a new democracy, especially to help South Africans victimized by apartheid, to support democratic institution-building and activities to prepare for the election, to end political violence, and to promote human rights.

The Senate's swift passage of this legislation in response to Nelson Mandela's request is a tribute to his leadership and his effective representation to the vast majority of South Africans. It is also an affirmation of our commitment to a nonracial democracy in South Africa.

Now more than ever, we must work with the future leaders of the new South Africa and lend our continuing support to the process of democratization. The stakes are too high, and our goal is too near, to allow this historic opportunity to pass without giving Nelson Mandela and other thoughtful leaders the means to bring peace, freedom, and democracy to the people of South Africa.

Mr. President, I ask that the full text of Nelson Mandela's address to the United Nations may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE PRESIDENT OF THE AFRICAN NATIONAL CONGRESS, NELSON MANDELA, AT THE UNITED NATIONS: NEW YORK, SEPTEMBER 24, 1993

Chairperson, Your Excellencies, Ambassadors to the United Nations; Ladies and Gentlemen:

We are most grateful to the Special Committee against Apartheid and its distinguished Chairman, His Excellency Professor Ibrahim Gambari, as well as the United Nations as a whole, for enabling us to address this gathering today.

We have, together, walked a very long road. We have travelled together to reach a common destination.

The common destination towards which we have been advancing defines the very reason for the existence of this world Organisation.

The goal we have sought to reach is the consummation of the yearning of all human-kind for human dignity and human fulfillment. For that reason, we have been outraged and enraged that there could be imposed on any people the criminal system of apartheid.

Each and every one of us have felt our humanity denied by the mere existence of this system. Each and every one of us have felt brandished as sub-human by the fact that

some could treat others as though they were no more than disposable garbage.

In the end, there was nobody of conscience who could stand by and do nothing in the search for an end to the apartheid crime against humanity.

We are here today to convey to you, who are the representatives of the peoples of the world, the profound gratitude of the people of South Africa for your engagement, over the decades, in the common struggle to end the system of apartheid.

We are deeply moved by the fact that almost from its birth, this Organisation had kept on its agenda the vital question of the liquidation of the system of apartheid and white minority rule in our country.

Throughout the many years of struggle, we as South Africans, have been greatly inspired and strengthened as you took action both severally and collectively, to escalate your offensive against apartheid rule, as the white minority regime itself took new steps in its own offensive further to entrench its illegitimate rule and draw tribute from those it had enslaved.

In particular, we are most grateful for the measures that the United Nations, the OAU, the commonwealth, the Non-Aligned Movement, the European Community and other intergovernmental organisations took to isolate apartheid South Africa.

We are deeply appreciative of similar initiatives that individual countries, non-governmental organisations, local communities and even single individuals took, as part of their contribution to the common effort to deny the apartheid system all international sustenance.

This global struggle, perhaps without precedent in the inestimable number of people it united around one common issue, has helped decisively to bring us to where we are today.

Finally, the apartheid regime was forced to concede that the system of white minority rule could no longer be sustained. It was forced to accept that it had to enter into negotiations with the genuine representatives of our people to arrive at a solution which, as agreed at the first sitting of the Convention for a Democratic South Africa, CODESA, would transform South Africa into a united, democratic, non-racial and non-sexist country.

This and other agreements have now been translated into a specific programme that will enable our country to take a leap forward from its dark, painful and turbulent past to a glorious future, which our people will strive with all their strength to make a future of democracy, peace, stability and prosperity.

The countdown to democracy in South Africa has begun. The date for the demise of the white minority regime has been determined, agreed and set.

Seven months from, on April 27, 1994, all the people of South Africa, without discrimination on grounds of gender, race, colour or belief, will join in the historic act of electing a government of their choice.

The legislation has also been passed to create the institutions of state, the statutory organs that will ensure that these elections are held and that they are free and fair.

As a consequence of the creation of these statutory instruments, we have arrived at the point where our country will no longer be governed exclusively by a white minority regime.

The Transitional Executive Council, provided for in this legislation, will mark the first ever participation by the majority of



our people at governmental level in the process of determining the destiny of our country.

It will be the historic precursor to the Interim Government of National Unity which will be formed after the democratic elections of April 27th.

The other structures now provided for in law, the Independent Election Commission and the Independent Broadcasting Authority will themselves play their specified roles in ensuring a process of transition and a result which our people as a whole will accept as having been legitimate and therefore acceptable.

We must however warn that we are not yet out of the woods.

Negotiations are continuing to agree on the interim constitution, according to which the country will be governed as the elected national assembly works on the final constitution.

There will therefore be continuing need that this organization and the world movement for a democratic South Africa as a whole, sustain their focus on the transitional processes, so that everybody concerned in our country is left in no doubt about the continuing determination of the international community to help us through to democracy.

The reality is that there are various forces within South Africa which do not accept the inevitability of the common outcome which all humanity seeks.

Within our country, these forces, which seek to deny us liberty by resorting to brute force, and which have already murdered and maimed people by the tens of thousands, represent a minority of the people.

They derive their strength not from the people but from the fear, insecurity and destabilization which they seek to impose through a campaign of terrorism conducted by unknown killers whose hallmark is brutality and total disregard for the value of human life.

There are other forces which because of narrow, sectarian interest, are also opposed to genuine change. These are engaged in other actions which seek to create obstacles on the way to a smooth transition to democracy.

We believe that it is critically important that these forces too should understand that the international community has the will and determination to act in concert with the majority of the people of our country, to ensure that the democratic change which is long overdue is not delayed.

The apartheid system has left a swathe of disaster in its trail. We have an economy that is tottering on the brink of an even deeper depression than the one we are experiencing now.

What this means practically is millions of people who have no food, no jobs, and no homes.

The very fabric of society is threatened by a process of disintegration, characterized by high and increasing rates of violent crime, the growth in the numbers of people so brutalized that they will kill for a pittance and the collapse of all social norms.

In addition, the absence of a legitimate state authority, enjoying the support of the majority of the people, immensely exacerbates this general crisis, emphasizing the critical importance of speedy movement forward to democratic change.

In sum, acting together, we must, at all costs, resist and rebuff any tendency of a slide towards another Somalia or a Bosnia, a development which would have disastrous re-

percussions extending far beyond the borders of South Africa.

What we have just said is not intended to alarm this august gathering. Rather, it is meant to say—now is the time to take new steps to move us forward to the common victory we have all fought for.

We believe the moment has come when the United Nations Organization and the international community as a whole should take stock of the decisive advances that have been made to create the setting for the victory of the cause of democracy in our country.

We further believe that the moment has come when this same community should lay the basis for halting the slide to a socio-economic disaster in South Africa, as one of the imperatives in ensuring the very success of the democratic transformation itself.

In response to the historic advances towards democracy that have been achieved; further to give added impetus to this process; to strengthen the forces of democratic change and to help create the necessary conditions for stability and social progress, we believe the time has come when the international community should lift all economic sanctions against South Africa.

We therefore extend an earnest appeal to you, the governments and peoples you represent, to take all necessary measures to end the economic sanctions you imposed and which have brought us to the point where the transition to democracy has now been enshrined in the law of our country.

We further urge that this historic step, marking a turning point in the history of the relations between South Africa and the rest of the world, should not be viewed as an act of abstention but one of engagement.

Let us all treat this new reality as an opportunity and a challenge to engage with the South Africa situation in a way that will advance the democratic cause and create the best possible social and economic conditions for the victory of that cause.

The Special Committee Against Apartheid has itself led the process of preparing the United Nations and its specialised agencies for the new reality that is the fruit of our common struggle. We trust that the UN family therefore not delay in engaging the people of South Africa in a new way.

We trust also that the governments across the globe, that have been so central in the effort to defeat the system of apartheid, will do what they can to help us ensure the upliftment of our people.

A similar appeal extends to the millions of people organised in the broad non-governmental anti-Apartheid movement themselves to remain involved in the continuing struggle for a democratic South Africa and to add to their programmes the extension of all-round development assistance from people to people.

We hope that both the South African and the international investor communities will also take this opportunity themselves to help regenerate the South African economy, to the mutual benefit.

As you know, our people have not yet elected a democratic government. It is therefore important that the white minority government which remains in place in our country should not be granted recognition and treated as though it were representative of all the people of South Africa.

The Transitional Executive Council provides the appropriate mechanism for such interaction as should take place between ourselves and the international community in the period between now and the formation of the new government.

We should here mention that within the ambit of the diplomatic sanctions which many countries imposed, we also believe that such countries may now establish a diplomatic presence in South Africa to enhance their capacity to assist the people of our country to realise the common objectives.

This Organisation also imposed special sanctions relating to arms, nuclear matters and oil.

In this regard, we would like to urge that the mandatory sanctions be maintained until the new government has been formed. We would leave the issue of the oil embargo to the discretion of the Committee of the General Assembly responsible for the enforcement of this particular sanction.

We would further like to request the Security Council should begin consideration of the very important issue of what this Organisation should do to assist in the process of organising for and ensuring that the forthcoming elections are indeed free and fair.

This, naturally, should be accompanied by a review of the important contribution that has been made by the UN Observer Mission to South Africa, which is helping us to address the issue of political violence, to ensure that this contribution addresses adequately this continuing problem.

We cannot close without extending our congratulations to the PLO and the government of Israel for the important step forward they have taken which, hopefully, will lead to a just and lasting settlement of the Middle East question.

To them and to the peoples and governments of the region as a whole, we extend the good wishes of all the people of our country and the assurance of our support for their noble effort to establish justice and peace.

We continue to hope that progress will be made towards the just resolution of the outstanding issue of Western Sahara.

Angola continues to bleed. We urged this Organisation and especially the Security Council to leave no stone unturned to ensure that the killing ends the democratic process respected.

We are encouraged by the steps that have been taken to bring peace to Mozambique and trust that no new obstacles will emerge to deny the people of this sister country the peace, stability and prosperity which they have been denied for so long.

Our common victory against the only system to be declared a crime against humanity since the defeat of Nazism is in sight.

The historic need to end this crime as speedily and peacefully as possible requires that we, the peoples of the world, should remain as united as we have been and as committed as we have been to the cause of democracy, peace, human dignity and prosperity for all the people of South Africa.

Standing among you today, we continue to be moved by the selfless solidarity you have extended to our people. We are aware that by our common actions we have sought not only the liberation of the people of South Africa but also the extension of the frontiers of democracy, non-racial, non-sexism and human solidarity throughout the world.

Understanding that, we undertake before you all that we will not rest until the noble cause which unites us all emerges triumphant and a new South Africa fully rejoins the rest of the international community as a country which will we can all be proud of.

Thank you.

## BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 24, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by \$1.6 billion in budget authority and above by \$0.6 billion in outlays. Current level is \$0.5 billion above the revenue floor in 1993 and above by \$1.4 billion over the 5 years, 1993-97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$393.5 billion, \$27.3 billion below the maximum deficit amount for 1993 of \$420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated September 21, 1993.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 27, 1993.

Hon. JIM SASSER,  
Chairman, Committee on the Budget, U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through September 24, 1993. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated September 20, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,  
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,  
103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS  
SEPT. 24, 1993

[In billions of dollars]

	Budget resolution H. Con. Res. 287	Current level <sup>1</sup>	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	-1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5
1993-97	4,818.6	4,820.0	1.4
Maximum deficit amount	420.8	393.5	-27.3
Debt subject to limit	4,461.2	4,284.9	-176.3
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,  
103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS  
SEPT. 24, 1993—Continued

[In billions of dollars]

	Budget resolution H. Con. Res. 287	Current level <sup>1</sup>	Current level over/under resolution
1993-97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(?)
1993-97	1,865.0	1,865.0	(?)

<sup>1</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

<sup>2</sup> Less than \$50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS SEPT. 24, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSION			
Revenues	0	0	849,425
Permanents and other spending			
Legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103-36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103-44)	0	1	0
1993 spring supplemental (Public Law 103-50)	1,003	1,199	0
Transfer of naval vessels to certain foreign countries (Public Law 103-54)	(8)	(8)	0
Small Business Guaranteed Credit Enhancement Act (Public Law 103-81)	(12)	(12)	0
Total enacted this session	984	1,181	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level <sup>1</sup>	1,248,361	1,242,935	849,425
Total Budget Resolution <sup>2</sup>	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,629	0	0
Over budget resolution	0	645	535

<sup>1</sup> In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102-229	0	712
102-266	0	33
102-302	0	380
102-368	1,060	5,873
102-381	218	13
103-6	3,322	3,322
103-24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
103-50	0	(30)
103-75	4,190	141
Total 1993 emergency funding	8,790	10,144

<sup>2</sup> Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

## AARON WILDAVSKY, R.I.P.

Mr. MOYNIHAN. Mr. President, I rise today to recognize the passing of one of

America's greatest intellects, Aaron Wildavsky. The October 4, 1993, issue of the National Review contains a appropriate memorial to this distinguished scholar. Mr. President, at this time I ask that my statement and the following obituary be submitted into the RECORD.

AARON WILDAVSKY, R.I.P.

(By A. Lawrence Chickering)

Aaron Wildavsky's untimely passing from lung cancer has deprived the conservative movement of one of its most eloquent spokesmen and distinguished scholars.

The child of Ukrainian immigrants, he grew up in Brooklyn and went to Brooklyn College. After serving in the U.S. Army, he received a PhD in political science from Yale in 1958. From 1962 until his death, he was a professor of political science at the University of California at Berkeley, where he served as department chairman during the stormy 1960s, and as founding dean of its Graduate School of Public Policy.

A former president of the American Political Science Association, Aaron Wildavsky was perhaps the most honored political scientist of his generation, winning prizes and awards galore. He was a prolific writer, the author or co-author of 36 books on subjects such as the budgetary process, policy analysis, foreign affairs, public administration, and presidential elections.

Mr. Wildavsky was often mentioned as one of the "neoconservatives" who "came over" in the 1960s. But his contributions to conservatism spanned the whole of a scholarly life devoted to documenting the limitations and failures of government. The Berkeley faculty has never been as liberal as its reputation, and Mr. Wildavsky was one of the reasons. A meeting room at the Public Policy School is decorated with a Latin translation of the school's informal motto: "There is no such thing as a free lunch."

Mr. Wildavsky was an extraordinary teacher, a provocative writer, and a flamboyant personality. Remarking on his book on Moses as a political leader, an Old Testament scholar once remarked: "There is more Wildavsky than Moses in the book; but then of course Wildavsky was more interesting than Moses." It was a pity that he did not have his own television show, since he was also far more entertaining than most television personalities.

In his last weeks, he continued his life's work—debating ideas with the stream of visitors from everywhere. On his deathbed, he wrote his last paper, a critique of Freud on the subject of humor.

He died at age 63, a great loss for those who knew him and for the cause of liberty.

IRRESPONSIBLE CONGRESS? HERE  
IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal



spending. Congress has failed miserably in that responsibility for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,381,848,418,221.23 as of the close of business on Friday, September 24. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$17,057.94.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 1994

Mr. HARKIN. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 2518, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 74

The PRESIDING OFFICER. There will now be 3 hours of debate on the committee amendment beginning on page 74.

Mr. HARKIN. Mr. President, I understand that under the previous unanimous-consent agreement entered into, there is 3 hours of debate on the committee excepted amendment on page 74; that those 3 hours of debate are divided evenly, and I believe 1½ hours will be controlled by the Senator from New Hampshire, another 1½ hours by myself; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I yield my entire 1½ hours of time to the Senator from Washington for her control to dispense time as she sees fit under this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, I rise today in support of the committee amendment to strike section 510 of the House Labor, Health and Human Services, and Education appropriations bill. Section 510 discriminates against poor and low-income women by severely limiting their access to abortion services through Medicaid.

Today, I speak first as a member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Section 510 in the House bill was struck by both the subcommittee and the full committee prior to reaching the Senate floor. I believe that section 510 is legislating on

an appropriations bill in violation of the Senate rules. However, Senate rules do not allow me to make a point of order.

The antichoice language included in the House bill is just another attempt to have the Government intrude upon women's health decisions and decisions about whether or not to bear children. I strongly support the committee amendment to strike the House language.

Section 510 goes beyond a simple limitation of funds. It prohibits Medicaid funding of abortion services except when necessary to save the life of the woman or in cases of rape or incest. It tells women what type of abortions would be covered under Medicaid and which women would be covered.

Furthermore, the amendment would require the executive branch to interpret and implement new policy in direct violation of rule XVI of the Standing Rules of the Senate. We did not permit this type of Government intrusion on the District of Columbia appropriations bill. We did not permit it on the Treasury, Postal Service, and general Government appropriations bill, and we should not permit this type of Government intrusion here either.

Today, we have the opportunity to send a very clear message to this Nation, a message that this Senate will no longer hide behind the political process. Let us face it, there is no threat of a Presidential veto this year. We have a pro-choice President who also supports a bill free of all Hyde-type language.

The choice for us today is to allow all women in this Nation, regardless of income or status, the ability to exercise their constitutional right to choose. If we fail to strike the Hyde language, the message is very clear: In the United States, if you have money, you are free to make your decisions about your health care. If you do not have money, you do not have a choice.

I urge my colleagues to vote to strike the Hyde language and affirm the constitutional rights of all women.

Those leading the fight for Hyde restrictions on this bill want to deny women their right to choose. Today, their target is poor and low-income women across this country. Last month, the Senate rejected their antichoice attack on Federal employees' health benefits. Instead, we voted to affirm the right of Federal employees to choose whether and when to bear a child. We must do the same today for women of lower incomes.

The discrimination embodied in section 510 is undeniable. If the Senate adopts the House language, we would prohibit Medicaid funding of abortions except in very limited instances: When the procedure is necessary to save the life of the woman or in cases of rape or incest. We would be choosing to exercise our legislative power to deny poor

women their ability to exercise their constitutional right.

Personally, I cannot vote to affirm the right to choose for middle-class women and vote to deny low-income women their ability to exercise that right next. That is a double standard and it is not fair.

I come from one of the most pro-choice States in this Nation. The legislature in my State of Washington has voted consistently to fund comprehensive reproductive health care for poor and low-income women. A woman eligible for public medical assistance for her general health care can obtain funds to obtain an abortion if she so chooses. We do not discriminate against poor and low-income women in the provision of those services. The Government does not place explicit moral restrictions on any other type of health care services under Medicaid. We should not do so here, either.

This country does not deny health care to victims of car accidents if they were driving drunk. This country does not deny treatment for lung cancer if the victim was a smoker. We do not make moral judgments in the dispensing of health care services. How can we deny poor women access to health care services simply because they are poor, or because the service they seek is an abortion?

Every woman in this country has a constitutional right to obtain an abortion if she so chooses. That is not what today's debate is about. Every woman has a right to make that choice based on her own moral and religious beliefs. It is a time of change for the U.S. Senate and for this Nation. Many of us were elected to this body because the American people are tired of business as usual. We were elected to speak up and take a stand on issues like this one.

For too long, the debate has centered around the notion that something is better than nothing. Today, we have the opportunity to change that debate. We have the opportunity to choose between allowing all women, regardless of income, the health care choices to which they are entitled under our Constitution. Or we can restrict access on the basis of a woman's income.

The right to choose is a right which belongs to all women, and not just to some women in this Nation. Mr. President, I challenge my colleagues to join me in refusing to discriminate against poor women. I challenge them to be fully pro-choice, not just pro-choice for those who have the financial resources to cover the expenses themselves.

Mr. President, I come to this issue from a perspective different from many Members of this body. I come to this issue as a woman and as a mother. I also come to this issue as someone who has personally witnessed the effects of choices not being available simply on the basis of income.

My personal awakening on the abortion issue came when I was in college. A friend of mine was what we today would call date raped. Abortion was not legal at the time. However, those with enough money had the option to go abroad or were able to find a doctor who could provide them with a safe procedure. My friend did not have money. She was forced to obtain a back-alley abortion. The damage done during that procedure prevented her from ever having children.

Mr. President, I vowed at that time that I would never allow that to happen to my daughter. Because of the laws of this country, my friend was never able to be a mother. Choice has always been available for wealthy women. Today, it is our responsibility to assure that income is no longer a barrier for any woman. Rather, we must ensure that all women regardless of income or status, have the opportunity to choose whether or not to bear children for themselves.

For this reason, I speak today in favor of Medicaid funding of abortion services, and the support of the committee amendment to strike section 510 of this bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. I yield 8 minutes to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank my distinguished colleague from Washington.

Mr. President, I am opposed to limiting the payment of Medicaid for abortions for poor women on the essential proposition that I do not believe that access to abortion ought to depend on ability to pay.

At the outset, I say that I am personally opposed to abortion. I believe that the matter really is one for family, one for clergy and their parishioners, rabbis, ministers, and priests, a subject which my wife and I have dealt with within our family, a subject that my parents dealt with, my brother, two sisters, and myself about, and it ought not to be a matter for Government.

A very compelling statement on this issue was made by a distinguished Republican, a conservative, former Senator Barry Goldwater, who said:

The least government is the best government. I am all on the side of choice.

I do believe that it is a matter of choice. A woman candidate for public office articulated it perhaps best when she said that the issue of abortion, so far as she was concerned, was between herself, the physician, and God. My view is that is not a matter for government intrusion.

We have come to a point, Mr. President, where America is dedicated to a basic proposition of having universal health coverage for all, and that has come to be a common goal and a con-

sensus in America, if not a uniform observation. It is my sense that, especially having reached that consensus on the uniform objective, it is especially important that we not restrict the access for women to abortion.

There is a notable trend on this precise issue—that is, of restricting Federal funding for abortion for poor women—that has moved to a point where it is time that it come off the bill on Labor, Health and Human Services, and Education. The issue of having abortion covered under Federal insurance policies, where it has been for so long prohibited under the Treasury and Postal Service appropriations bill, has now been removed. This year, the appropriations process does not limit access to abortion along that line. For years, there has been a denial of the use of Federal funding, including the use of District of Columbia funding, to provide for abortions for poor women, and that now has been eliminated.

There had been restrictions on the Department of Justice for the availability of abortion for women in prison, and that limitation has now been eliminated. Mr. President, if you take a look at the trend in the United States on all of the other bills where there had been restrictions on access of poor women to abortion, they have been eliminated. I think the day has arisen when on Medicaid the restriction on the availability of abortion for poor women, too, should be eliminated.

It is my hope, Mr. President, that we should take this issue out of politics. The pro-choice, pro-life abortion issue has been the most divisive issue in our society since slavery. I have made an effort to try to remove abortion from the Republican platform. Many people think that it has always been in the Republican platform, but that is not true. It is only since 1984, when abortion became a very hotly contested political item, that it was inserted in the Republican platform. A number of us sought—perhaps too late—on the eve of the 1992 Republican convention, to remove abortion from the platform by finding six States which would take the issue to the floor.

It is my hope that we will remove abortion from the Republican platform in 1996. Just as I would like to do that for my party, I would like to do it for my Senate and for my Congress. In the 10 years before Roe versus Wade was decided, I am advised, there were only 10 bills in the Congress dealing with abortion. In the 20 years since Roe versus Wade was decided, there have been more than 1,000 bills dealing with abortion.

In my 12 years plus in the U.S. Senate, I have seen this issue occupy a tremendous amount of time on the Senate floor. And on the issue which we are currently facing, there are 3 hours of debate reserved which, perhaps, is a short time limit compared to the

amount of time which we have spent on this issue in the past. I believe that it would be much more useful for the U.S. Senate and the U.S. House of Representatives to be focusing our attention on other issues and issues which are closely related to those who have an interest in this debate.

I respect their sincerity in trying to move this issue along. I have supported funding for information and education for young people and abstinence. I believe it is vital that we move ahead for very substantial funding on prenatal care, so that we avoid the human tragedy of having babies born that way—1 pound or 18 or 20 ounces—where it is not only a human tragedy because those deformities are kept for the rest of their lives, but there is a heavy financial cost, with some children costing more than \$150,000 on a multibillion dollar national expense.

We ought to be spending our time on women, infants, and children legislation and protecting the families, mothers, and children against violence. All of these are in line with the objective of bringing children into the world and encouraging women not to have abortions.

But in the final analysis, it seems to me that is a choice which the woman must make. At a time when we are about to consider national health coverage for all Americans, and when the issues have moved away from restricting access to abortion on all of the other lines, this is an especially appropriate time to eliminate this restriction on Government insurance policies and women who are in prison and in the District of Columbia.

The governmental philosophy best expressed by former Senator Goldwater that the least government is the best government, which led Senator Goldwater to conclude that he is on the side of choice, I think ought to lead this body at this time to the conclusion of choice and not to prohibit access to abortion to poor women.

I thank my colleague from Washington, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I rise in opposition to the last committee amendment, which is H.R. 2518, because that committee amendment strikes from the bill the House-passed language known as the Hyde amendment, which bans Federal funding of abortions under Medicaid, except in cases of rape or incest or to save the life of the mother.

Before speaking specifically about the committee amendment, Mr. President, let me put the matter into some historical perspective here. In its 1973 decision in the case of Roe versus



Wade, the U.S. Supreme Court created a new constitutional right to abortion. And the effect of the Roe decision was to invalidate the abortion laws of all 50 States. Under the new Roe regime, all 50 States were required to allow abortion on demand, until the point at which the unborn child is viable outside her mother's womb. After viability, the court permitted the States to restrict abortions, except when the mother's life or health is in danger.

Although the Roe Court seemed to permit that States to ban most abortions after "viability," a case decided on the very same day, called *Doe versus Bolton*, defined the "health" exception in a very broad manner. Let me indicate what that is. In *Doe*—not *Roe*—the Court defined "health" abortions as those relating to "all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." Physical, emotional, psychological, having to do with the family, woman's age, are all relevant to the well-being of the patient; that is how health was defined.

It is nearly impossible, Mr. President, to imagine a circumstance under which a woman would seek an abortion after her unborn child is viable that would not fit the Court's very liberal definition of "health." Thus, it is fair to say, *Roe versus Wade* and *Doe versus Bolton* had the combined effect of legalizing abortion on demand, through all 9 months of pregnancy, for any reason that any doctor is willing to accept as making an abortion necessary to the mother's well-being.

After the *Roe* and *Doe* decisions, the Federal Government began funding elective abortions through Medicaid. The Medicaid statute mandates payments for all medically necessary medical services. In light of the 1973 Supreme Court abortion decisions, medically necessary was interpreted to include any abortion performed by a physician on a Medicaid-eligible woman, for any reason—no questions asked.

In the years immediately following the Supreme Court's 1973 abortion decisions, the Federal Government paid for about 300,000 abortions per year through Medicaid. In 1976, however, the Congress passed the Hyde amendment, which is named for its sponsor, Representative HENRY HYDE of Illinois.

The Hyde amendment prohibited the Federal funding of abortions, except in cases in which the mother's life is in danger. Following the enactment of the Hyde amendment, the Federal Government paid for fewer than 150 abortions per year.

With the support of President Carter, the Congress continued to pass the Hyde amendment throughout the decade of the 1970's. Having thus lost the battle in both the legislative and executive branches of the Government, the proponents of taxpayer-funded abortions took their battle to the judicial

branch. After protracted litigation in the Federal Courts, in the 1980 case of *Harris versus McRae* the U.S. Supreme Court upheld the constitutionality of the Hyde amendment, that being the life of the mother.

Presidents Reagan and Bush, of course, supported the Hyde amendment throughout their Presidencies and Congress continued to pass it every year. The Hyde amendment did not face a serious challenge until this year, when President Clinton, who has pledged to remove all barriers to taxpayer-funded abortions through Medicaid, took office.

Earlier this year, the new Clinton administration formally asked the Congress not to pass the Hyde amendment. In other words, the administration asked the Congress to open the floodgates and mandate taxpayer-funding of hundreds of thousands of abortions a year.

But, Mr. President, the U.S. House of Representatives courageously refused to adopt President Clinton's extreme position that all abortions sought by Medicaid-eligible women should be financed by the taxpayers. During its consideration of H.R. 2518, on June 30 of this year the House of Representatives adopted a revised version of the Hyde amendment by the unexpectedly decisive margin of 256 to 171. The Hyde amendment to H.R. 2518 that the House passed prohibits Federal funding of abortions, except in cases in which the life of the mother is endangered or where the pregnancy resulted from rape or incest. It is a very reasonable amendment, Mr. President. I think that is why the House passed it so overwhelmingly.

Let me pause here, Mr. President, to pay tribute to Congressman HENRY HYDE. I had the honor and privilege to serve with Congressman HYDE in the House of Representatives. The Hyde amendment stands as a great monument to Congressman HYDE's dedication to the cause of the right to life of unborn children. It is not easy to be out front on this issue these days, HENRY HYDE has been there.

As I mentioned earlier, before the Hyde amendment was passed in 1976, Medicaid paid for 300,000 abortions per year. That means the taxpayers paid for those abortions. Thus, since that time, Medicaid has not financed about 5.1 million abortions for which it otherwise would have paid. It is no exaggeration to say, Mr. President, that millions of people alive today owe their lives—in a very significant way—to HENRY HYDE.

I know that it pained HENRY HYDE, because I know him personally and I know how deeply he feels about this issue, and I know it pained him to add the exceptions for rape and incest, but he did.

He said on the modification:

My commitment to protect unborn children has not diminished in the slightest, but

I recognize that this approach \* \* \* offers the greatest hope to save the lives of many children and protects taxpayers from being forced to pay for abortion on demand.

Unfortunately, however, on September 14, the Senate Appropriations Committee voted to strike the Hyde amendment, in its entirety, from H.R. 2518. That is why we are here today. Under the committee amendment that strikes the Hyde amendment, therefore, all restrictions on taxpayer-financed abortions under Medicaid would be removed. Under the committee amendment, in other words, the United States would return to the day when American taxpayers are required to pay for abortion on demand—to the tune of at least 300,000 taxpayer-funded abortions per year—for all Medicaid-eligible women.

Let us stop and pause for a moment. It is an emotional issue. We all know that. But let us stop and pause for a moment for what that would mean.

I have no doubt that every Senator has heard of the morally repugnant practice of sex-selection abortions. The development of medical technologies that reveal the gender of the unborn child early in pregnancy has led to the increased prevalence of the use of abortion solely for the purpose of destroying unborn children who are not of the desired gender. The available evidence suggests that this despicable practice tends to target little unborn baby girls more than it does unborn baby boys.

Under the committee amendment, the taxpayers would be forced to pay for sex-selection abortions. That is because under the Supreme Court's liberal definition of "health," sex selection abortions are medically necessary for Medicaid purposes whenever a woman who wants one is able to convince her doctor that the birth of a child of the undesired gender would harm her emotional well-being.

Likewise, under the committee amendment, the taxpayers would be forced to pay for late-term abortions. Anyone who has studied the public opinion polls on abortion knows that most Americans believe that abortions should be prohibited at the point at which the unborn child would be viable outside her mother's womb. Overwhelmingly, polls support that.

But under the committee amendment, the taxpayers would be required to pay for all post-viability abortions sought by Medicaid-eligible women. That is because under the *Roe* and *Doe* standards, which remain intact even after the Supreme Court's 1989 *Webster* decision and its 1992 *Casey* ruling, all 50 States must allow abortions after viability whenever a woman is able to find a doctor who is willing to say that such an abortion is necessary to her emotional well-being.

Mr. President, President Clinton is on record saying that "almost all Americans believe that abortions

should be illegal when the children can live \* \* \* outside the mother's womb." Isn't it ironic, to say the least, that he favors a policy on Medicaid funding of abortions that is so liberal that it would finance abortions performed after the unborn child is viable?

That seems to me to be backing off dramatically on a commitment that this President made to the American people when he ran.

Mr. President, when I talk about late-term abortions, I am not speaking of a minuscule number of such procedures. I am not talking about a couple dozen. According to the Centers for Disease Control, in the last year for which statistics are currently available—1990—there were 14,296 abortions performed in the 21st week of pregnancy and beyond. Twenty-one weeks marks the early range of viability. Babies born at 21 weeks and beyond have a fighting chance—ever so slim but a fighting chance—to survive with the aid of modern technologies.

The proponents of the committee amendment, which mandates taxpayer-funded abortion on demand for Medicaid-eligible women, make the argument that the committee amendment would only require Medicaid to pay for those abortions that are medically necessary. That, of course, makes the committee amendment sound moderate. That is a good argument.

But, as I have said, what is medically necessary is determined in light of the Supreme Court's extremely liberal definition of the "health of the mother." Thus, those who say that the committee amendment would result in any genuine limitations on what kind of abortions Medicaid would be required to fund are frankly not being totally candid.

Mr. President, Time magazine recently made note of what medically necessary really means in the abortion context. Time columnist Michael Kramer noted in the September 27 issue that "'medically necessary' is a term of bureaucratic art." "It dates," Mr. Kramer continued, "from the days before Hyde's amendment and was routinely interpreted as permitting abortion on demand."

Mr. President, the U.S. Supreme Court's all-encompassing definition of "health" in the Doe versus Bolton case is fully consistent with that of the World Health Organization. The WHO's [World Health Organization's] constitution defines "health" as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." Thus, Mr. President, the committee amendment's blank check for abortions that are medically necessary would require Federal funding of abortions on precisely the same basis as contraception—on demand, with no restrictions.

Mr. President, the committee amendment would return us to the days be-

fore the adoption of the Hyde amendment in 1976. It would return us to the days when the taxpayers were forced to pay for 300,000 Medicaid abortions per year. In fact, that number would quite likely to go much higher today if the committee amendment were to become law and all medically necessary abortions were paid for by the Federal Government once again.

Due to expanded eligibility for pregnant women over the past 8 years—which helped insure that all pregnant women have an opportunity to receive prenatal care—as well as overall population growth, it is probable that repeal of the Hyde amendment would result in taxpayer funding of at least 400,000 abortions in fiscal year 1994 alone.

I hate to put these abortions—they are human lives—in terms of money, but in terms of money, that would cost the taxpayers of the United States of America \$100 million per year in addition to 400,000 unborn children lost. And who knows what they might have contributed to society had they had the opportunity to live.

It is beyond dispute, Mr. President, that the American people do not want to pay for abortions with their tax dollars. In a CBS-New York Times poll reported in the Times on April 6 of this year:

Only 23 percent said [a national health care plan] should cover abortions, while 72 percent said those costs should be paid for directly by the women who have them.

In a July 1992 ABC News-Washington Post poll, only 27 percent of those polled agreed with the statement that "[t]he Federal Government should pay for an abortion for any woman who want it and cannot afford to pay." The overwhelming majority—69 percent of those polled—disagreed.

Mr. President, regardless of where one stands on the issue of abortion as a moral or legal matter, there can be no doubt that millions of Americans believe that the unborn child is a human being.

Separate all the emotion, all the rhetoric, all of the debate, and all of the conversations we have, the unborn child is a human being from the moment of conception and that abortion is the wrongful taking of that innocent human life, many of them young girls.

Forcing those millions of pro-life Americans to pay for abortion on demand with their tax dollars would be a gross violation of their freedom of conscience. Put more bluntly, pro-life Americans would be forced to pay for the wholesale destruction of those whom they rationally regard as their innocent fellow human beings. That is not right. It is simply not right, Mr. President, to force taxpayer dollars to do that.

Mr. President, Bill Clinton is the first American President—the first—to support the radical policy of full tax-

payer funding of abortions for all Medicaid eligible women through all 9 months of pregnancy, and for any reason.

I want to repeat that.

The first American President, Democrat or Republican, to support the policy of full taxpayer funding for all Medicaid eligible women through all 9 months of pregnancy for any reason.

We ought to stop and pause and think about that, Mr. President.

President Clinton's last Democratic predecessor, Jimmy Carter, by contrast, opposed taxpayer-financed abortions. President Clinton's support of taxpayer-funded abortion—a position that flies in the face of the views of the large majority of Americans—earlier this year prompted a highly insightful U.S. News & World Report column by the man who now serves as one of his principal White House advisers—David Gergen.

I want to share Mr. Gergen's highly insightful article with my colleagues in its entirety. It is entitled "Clinton's Abortion Problem" and appeared in the magazine's April 19, 1993, issue. It reads as follows:

As candidate, Bill Clinton repeatedly promised that if he was elected, abortions in the United States would be "safe and legal, but rare." As President, he seems intent on keeping the first two-thirds of that promise. He is in serious danger, however, of breaking the last third.

In the past few weeks, the administration has announced it will work with Congress to lift the ban on Federal funding of abortions under Medicaid. It has said health insurance policies for Federal workers will henceforth cover abortion. And Health and Human Services Secretary Donna Shalala has suggested that health system reform should include universal insurance coverage for abortion. Apparently abortion is to be treated as a routine medical procedure easily available to all—no questions, no costs, no issues of morality or personal responsibility. This will make abortions "rare"?

In its eagerness to please the absolutists of its own party and defeat those on the other side, the administration threatens to ride roughshod over the sensibilities of most Americans struggling somewhere in between.

And many do struggle somewhere in between.

Polls in recent years have shown that a majority have slowly reached an uneasy consensus on abortion: They don't like it, but they are willing to accept it—grudgingly. Three quarters have told Gallup pollsters, for example, that they disapprove of abortion; a third consider it murder. But most also think it should be legal.

Where most Americans have drawn the line is on paying for other people's abortions, especially abortions on demand. In an ABC-Washington Post survey last year, 69 percent of those polled said the Federal Government should not pay "for an abortion for any woman who wants it and cannot afford to pay." Strikingly, a 1992 survey for Reader's Digest by Richard Wirthlin found that poorer Americans are the most opposed to Federal funding: Among those earning less than \$15,000 a year, opposition ran 63 to 32 percent against funding—

Is that not ironic?—



while those making over \$60,000 favored it by 57 to 41 percent.

So we have those with the higher incomes favoring it by 57 to 41 and those in the lower incomes, who we are hearing debate about today, the opposition was 63 to 32 percent, the exact opposite.

Is President Clinton listening to the American people he wants to help?

The Hyde Amendment barring Federal funds for most abortions first became effective in 1977 with the support of a president whose commitment to human rights is beyond question. Jimmy Carter (like this writer) was pro-choice but had deep reservations about the government financing abortions. He thought the government should stay out of a woman's decision, not blocking her but not encouraging her, either. By paying, the government sends the wrong message.

There is a real possibility that if Clinton prevails, the number of abortions will soar again. The Alan Guttmacher Institute records that in 1972, a year before the Supreme Court issued the *Roe v. Wade* decision and Washington began paying for abortions, only 12.9 percent of pregnancies in America ended in abortion.

By 1976, that percentage had doubled to 23.1. The Federal Government by then was paying for a third of all abortions. Since the Hyde Amendment took effect, the percentage of abortions has stabilized at roughly 25 percent of pregnancies.

Those who want to reverse course say the Hyde Amendment makes abortions unavailable to poor women. That is not really true. Guttmacher finds that poor women are three times more likely to have an abortion than are others. Yet, the question of fairness is pertinent and indeed makes the issue so horribly difficult. There is no doubt that many poor women, especially unwed pregnant teenagers, carry burdens that are intolerably heavy. But in moving to help them, as we must, we must also act wisely.

Far better than opening the floodgates to universal abortion on demand, funded by taxpayers, we should work to ensure that every child who comes into the world is wanted and has a decent chance in life.

That is what we ought to be doing. That is what we ought to be debating in this body today: How can we ensure that every child who comes into the world is wanted. Would it not be nice if the debate were framed around that, instead of about abortion? Would that not be nice?

We should start by taking more aggressive action to prevent undesired pregnancies. Sweden has embraced strong sex education and birth control programs, for example, and has seen its abortion rate decline sharply. Wrongheadedly, America under the past two administrations slashed federal funds for contraceptive services. In addition—and here Clinton deserves credit for moving in the right direction—the country should provide stronger medical and child support for women who bring children to term. What we need, then, are policies that show compassion toward women as well as a high ethical regard toward unborn children.

Both regard toward unborn children as well as toward women. That is the difference in this debate.

We stand in danger of having neither.

I wish Bill Clinton had taken the advice of his White House Adviser David

Gergen. But the President has made it clear he wants the taxpayers to pay for abortion on demand, through all 9 months of pregnancy, for any reason and for all Medicaid-eligible women.

Mr. President, I would like to stop at this point and ask at this time how much time we have remaining on our side?

The PRESIDING OFFICER. The Senator from New Hampshire has 65 minutes remaining.

Mr. SMITH. I yield as much time as he may consume to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland. For what purpose does the Senator rise?

Ms. MIKULSKI. Mr. President, parliamentary inquiry. I thought in the debate one seeks time to be yielded but the controller of the time can yield time? Or is it first to be recognized?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator may seek recognition if that Senator controls time or is yielded time.

Mr. SMITH. Mr. President, I will yield the floor.

Ms. MIKULSKI. Mr. President, I believe I still have the floor, and quickly I wish to yield to the Senator from New Hampshire because I think we have been conducting this debate with enormous civility, and this Senator certainly appreciates it. I was just wondering what would be the framework for proceeding in the debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator from Washington.

Mrs. MURRAY. Mr. President, it was my understanding we were going to go back and forth on this debate, and if the Senator would go with that, I would appreciate it.

Mr. SMITH. That is fine with me, Mr. President. I will yield the floor.

Mr. HATCH. Will my fellow Senator yield?

Mr. President, I have been sitting here, and while I do not want to disrupt the orderly flow of debate, I have to leave. I am only going to take about 7 minutes.

Several Senators addressed the Chair.

Mr. HATCH. I will take my turn. I will wait my turn.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I understand all of the Senators on the floor may have been waiting for a long period of time and do also have other commitments.

Mr. President, without objection I will yield to the Senator from Illinois, 10 minutes.

Mr. SMITH. Mr. President, just a parliamentary inquiry? I just want to

point out to my colleague from Maryland I allowed two previous speakers who had other commitments to come and speak before I spoke, using time. I understand the parliamentary procedure. I am not going to object to it but I think Senator HATCH is making a point, that he had another commitment and wanted to speak. I do not think that is an unreasonable request since I did allow two previous speakers before anybody spoke on this side. I am not going to object but I wanted to point that out for the record.

Ms. MIKULSKI. Will the Senator yield? I understand that, and I understand the pressing demands on the time of the Senator from Utah. But this Senator is an appropriator who has a conference before her and has also been on the floor for an hour and a half.

Again, I think we are moving with an atmosphere of civility and I appreciate that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Ms. MOSELEY-BRAUN], is recognized for 10 minutes.

Ms. MOSELEY-BRAUN. Thank you Mr. President, and thanks to the Senator from Washington and the Senator from Utah for his graciousness.

We have all been waiting a long time. This is an important debate and no doubt a heated one, although there has been great effort to keep it very civil.

But let me suggest, Mr. President, it is very important for us to remember what is and what is not at issue in this debate. We have to separate, as we listen to the debate, as we consider this issue, the reality from the fiction. In my opinion the only issue here is whether wealth—having money—gives some women more rights than others—that is to say whether or not one's choice is limited by poverty.

What is not at issue is the morality of abortion. For purposes of public morality, the fact is in a free society those decisions are to be decided by the individual and not by Government. Liberty, by definition, should not mean that Government will dictate as personal and private a decision as whether or not to bear a child.

I am not personally in favor of abortion. I favor the approaches that say we should educate, we should give people guidance in terms of abstinence, in terms of planning. But I am very much pro-choice. I am very much pro-choice because I recognize a woman should not be singled out for governmental intrusion on her right to control her body.

Also not at issue is the issue of legality. Abortion is legal in this country, and it is constitutionally protected. It is worth noting that our Founding Fathers did not use the process of creating the Constitution to end abortion,

which was legal—and I might say also not uncommon—even then. The Founding Fathers did not give rights to the unborn; they gave them to the living. And among the most important of those rights was one to equal treatment under the law. So in this debate at issue is whether or not poor women have equal rights to women of means.

Women want to make childbearing decisions themselves. They do not want Government to decide for them. That is why this issue is so important. What is at issue is discrimination based on wealth. Let us be clear. By attempting to financially coerce poor women into not exercising a right that is legally available to all other women, the Hyde amendment language discriminates against poor women.

It is true that the Federal Government has no obligation to pay for abortions for poor women, or for anybody else for that matter. However, the Federal Government has long ago decided to provide insurance, a program for health insurance, for the poor that is comparable to private insurance that is available to most Americans. That program is called Medicaid.

Medicaid is a Government-sponsored health insurance program for poor people, male and female. Most private insurance covers all reproductive health services, including abortion service. Blue Cross, Aetna, and Kaiser are just a few of the major insurance carriers who provide complete reproductive services. Since Medicaid is nothing more than health insurance for the poor for a whole range of health services, to single out abortion services essentially discriminates against poor women.

If, on the other hand, we decide as a body to increase welfare payments and let poor people purchase health insurance with the money, this issue, the issue we are debating today, would never even come up. But whether the Federal Government pays directly or not, the issue is still the same. Poor women ought to have the same access to health insurance that provides them with the same services, and that includes abortion services.

We have just had a vote on that very issue here in the Senate. By a vote of 51 to 48, the Senate decided that the Hyde amendment restrictions should not be placed on health insurance plans available to Federal employees. I support that view. Federal employees should not be limited and have less services available under their health insurance plans than other Americans who work for private companies. And if the Federal Government is going to pay the health insurance premiums for poor women, then it has no right to limit those services and choices either.

If private insurance is free under the law to provide a full range of reproductive services, then it is clearly discriminatory for us in Congress to

micromanage the Medicaid Program so it cannot provide the same range of basic services to poor people and to poor women.

Some argue that the issue is not one of discrimination, that the real issue is that people should not have to fund activities they do not like, that people who do not support choice, who are anti-abortion, should not have to pay for this.

Well, but if that rationale is going to guide our deliberations today, then I think we are in some very choppy and serious waters indeed, because to say that one taxpayer in this United States can pick and choose what his or her tax dollars go for will put us in very serious trouble. To use an example, Illinois, the State that I represent, ranks 46th among the 50 States in the return on Federal dollars. We send a lot of money to Washington and we get very little back proportionally.

Now, if we, as Illinoisans, said we were not going to pay for activities we could not participate in, where would that leave the Federal Treasury? We are right now paying for a host of activities that if the people of my State knew about they might well object. For example, we have a Bureau of Reclamation, which by law cannot even operate in my State and yet Illinois citizens pay for that. We pay for cotton support. We cannot grow cotton in Illinois, but we pay for it nonetheless.

The truth, of course, Mr. President, is that our country could not function if that rationale was carried to its logical conclusion. The argument for restricting access of poor women to abortion services is just as fallacious. If we are going to provide health services and health services are to be comparable to health services available in the private sector, then to start limiting and discriminating against which services can and cannot be available to poor women because we may not like some of them is just a fallacious argument and flies in the face of the way that this country does business.

Some argue that the restrictions on Medicaid abortions are appropriate because if the Federal Government finances abortion, it will in so doing encourage them. Mr. President, I suggest to you that that argument is not only insulting, it is also wrong on the facts. Everyone, rich or poor, will decide to bear a child based on what is in her heart and what is in her mind. The truth is that if you want to lower the pregnancy rate for poor women, the answer is not the Hyde amendment. The answer is economic opportunity. Give poor women more of a chance and, like every other American, they will make use of that chance. Birth rates in this country, like most other places around the world, are related to income. Higher incomes lead to lower pregnancy rates.

The truth is that the reasons poor women choose abortions are no dif-

ferent than the reasons other women choose abortions; financial problems, lack of a stable family relationship with their partner, whatever the reasons. But the point I am trying to make, and I think needs to be made here, is that poor women are really no different than any other women except for their poverty, and their access to reproductive services should not be any different either.

The sad truth also is that because of their poverty, poor women are likely to be more susceptible to health problems that make the need for a full range of reproductive services more likely.

Mr. President, we have been talking about hypothetical situations, but I would point out that this is not just a hypothetical debate or argument. These are real people. There are over 9 million poor women who are impacted, who are covered under the Medicaid program, real people, including some 438,000 individuals in my State of Illinois, 1,571,000 in the State of California, 390,000 in the State of Michigan—I can go down the list—North Carolina, 236,000 real, living people, people who have rights, rights to be treated equally under the law, and they deserve fair treatment from this Senate.

What they want is not to be discriminated against because of their poverty. What they want is nothing more than to have the same access to health services through Medicaid that other Americans have through private health insurance. What they want is for the Congress to recognize that these women on Medicaid are no different than any other women. They are not less moral or less worthy or more likely to have an abortion. They are simply poorer. And that is not a permanent phenomenon, hopefully, in this land of opportunity.

Our obligation, Mr. President, therefore, is to see these poor women as people, and to treat them as people, and not just as easy political targets that can be used to satisfy other more vocal constituencies. Our obligation is to act based on what is really at issue. Our obligation is not to discriminate against poor women simply because we can get away with it politically, or because we can make a speech on some stump during the reelection campaign. Our obligation is not to substitute our judgment for the judgment of any individual poor woman regarding a very personal decision, whether or not to bear a child.

That means that we should not micromanage the Medicaid Program to disadvantage poor women.

I would like to conclude by saying, Mr. President, that these are the most vulnerable people in our society. Instead of talking about the issues of how we can make life better, we should be—instead of having this debate, we should talk about how to make life better and how to give poor women the



kinds of opportunities to choose options other than abortion.

But, in the meantime, I urge my colleagues to put aside passion and fiction and respond to the simple reality and truth, that each American is equal under the law and that poor women are no exception to that rule.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. I thank my colleague, and I thank the Chair.

I rise in opposition to the Federal taxpayer funding of abortion. I will vote "no" on the committee amendment to the Department of Labor, Health and Human Services appropriations bill, H.R. 2518, and I urge my colleagues to do the same.

I happen to disagree with my good friend, the distinguished Senator from Illinois. I think the most vulnerable in our society are the unborn children.

Mr. President, the Labor/HHS appropriations bill includes the so-called Hyde amendment, which passed the House of Representatives by an impressive margin. The Hyde amendment forbids Federal taxpayer funding of abortion through Medicaid, except in cases of rape, incest, or danger to the life of the mother. The committee amendment at page 74, lines 20 through 25, would strike the Hyde amendment from the HHS appropriations bill, and would instead require unlimited Federal taxpayer funding of abortion on demand throughout the whole Medicaid program.

The result of repealing the Hyde amendment would be immediate taxpayer funding of more than 400,000 abortions per year, at a price tag to the taxpayers of more than \$100 million per year.

Mr. President, I ask my colleagues to consider the following facts in deciding whether they are going to vote to require all taxpayers to subsidize abortion in this country:

First, restrictions on Federal funding of abortions have been in place for many years. The American public strongly supports these restrictions and opposes Federal funding of abortion on demand. According to an ABC-Washington Post survey last year, 69 percent—more than two-thirds—of Americans oppose having the Federal Government pay for abortion on demand. Obviously, these opponents of Federal funding of abortion include many people who identify themselves as pro-choice on abortion.

In short, as David Gergen wrote in April of this year:

In its eagerness to please the absolutists of its own party, the Clinton administration

threatens to ride roughshod over the sensibilities of most Americans.

Second, even more strikingly, the socioeconomic groups who would supposedly benefit from taxpayer funding of abortion are especially opposed to it. According to a Wirthlin poll last year, Americans earning less than \$15,000 a year oppose public funding of abortion by 21 percentage points more than Americans earning more than \$60,000 per year. Likewise, African-Americans oppose public funding of abortion by a much larger margin than white Americans do.

Some might find these results paradoxical. I do not. In my view, they clearly reflect the wisdom of the disadvantaged that promotion of abortion by the Federal Government is a false and destructive answer to the problems they face.

Third, the laws and regulations of some 40 States restrict State taxpayer funding of abortion. But if Federal funding of abortion is mandated through Medicaid, every State will be required to provide matching funds for abortion on demand. In short, a vote for Medicaid funding of abortion on demand would force taxpayers to pay State as well as Federal taxes for abortion on demand.

Fourth, abortion is not just another medical procedure. As the Supreme Court recognized when it upheld restrictions on taxpayer funding of abortion more than a decade ago, abortion is:

Inherently different from other medical procedures because no other procedure involves the purposeful termination of potential life.

Moreover, the overwhelming majority of abortions that would not be funded under the Hyde amendment are purely elective.

Fifth, there is no evidence that restrictions on Federal funding of abortion have had any adverse effect on women's health. By contrast, there is strong evidence that upwards of 1 million children are alive today thanks to the Hyde amendment and our colleague in the House, HENRY HYDE.

Sixth, the legal underpinning for abortion is that abortion is supposedly part of a right of privacy. But if abortion is a private matter, why should the public be forced to pay for it? The simple and correct answer is that the public should not be forced to pay for it.

As one Governor wrote in 1986, "I am opposed to abortion and to Government funding of abortions. We should not spend State funds on abortions because so many people believe abortion is wrong." Then-Governor Clinton was right then; President Clinton is wrong now.

I urge my colleagues not to force Federal taxpayers to pay more than \$100 million a year to pay for more than 400,000 abortions. I urge my col-

leagues not to subsidize abortion on demand. I urge my colleagues not to impose a matching-grant burden on the States and their taxpayers. I urge them to maintain the Hyde amendment as part of existing law.

Therefore, I urge them to vote against the committee amendment to the Labor-HHS appropriations bill.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland, Ms. MIKULSKI, is recognized.

Ms. MIKULSKI. I thank the Senator from the State of Washington for yielding the time.

Mr. President, I rise to voice my very strong opposition to any attempt to restore the Hyde restrictions to this bill.

THANKS TO SENATOR HARKIN

Ms. MIKULSKI. Before I enter into that part of the debate, however, I wish to speak about the excellent work that the Senator from Iowa [Mr. HARKIN] who chairs the Subcommittee on Aging, has done on this bill. First, it has been an outstanding achievement, meeting very tough fiscal demands, and at the same time our social responsibilities. And he has done an outstanding job in issues related to women's health and to the elderly.

Mr. President, before I speak on the matter at hand I would like to say a few words of sincere thanks to Senator HARKIN for his excellent work in this bill to improve women's health.

Senator HARKIN has always been one of what I call the Senate Galahads—those male colleagues who never fail to be here fighting to improve the lives and health of women in this country.

This bill is no exception to Senator HARKIN's long and distinguished record on behalf of women. This bill provides unprecedented increases in funding for women's health in two critical areas: For vital research on diseases unique to or more prevalent in women; and for health care services women would otherwise not receive.

This bill increases funding for research on: osteoporosis, breast cancer, ovarian and other gynecological cancer, and endometriosis and fibroid tumors; as well as heart disease that has become the No. 1 killer of women.

This bill also increases funding for: early detection and screening for breast and cervical cancer, family planning, and prevention of infertility.

This bill—not only provides the means—it supports the ways—Funds offices of women's health throughout the Public Health Service; provides oversight; and breaks new ground.

Senator HARKIN is to be commended.

As the chair of the Subcommittee on Aging I also want to thank Senator

HARKIN for working closely with on addressing the needs of the elderly.

This bill provides significant increases for critical nutrition and social services provided to the elderly under the Older Americans Act.

It increases funding for the Older Americans Act programs by almost \$40 million.

It is the biggest increase in over a decade. These dollars will go a long way to keeping our seniors living longer and more healthfully in their own homes.

I applaud the chairman and look forward to our work together on behalf of women and the elderly.

#### COMMENDATION OF SENATOR MURRAY

Ms. MIKULSKI. Mr. President, I also compliment the Senator from the State of Washington for helping the Senator from Iowa manage this bill. I know that this is her first floor management responsibility. I would like to compliment her on the excellent way that she is handling the bill. I note her robust statements on this and many issues.

Mr. President, the reason I rise to voice my strong opposition to restoring the Hyde restrictions are simple: To restore the Hyde restrictions would take the decision of who chooses out of the hands of women and put that decision into the intrusive hand of government. We do not want government deciding those matters, matters that should be left up to a woman and her doctor, those matters that should be decided on the basis of a clinical situation and a person's individual conscience and individual faith preference. Far too often in the debate on Federal funding related to abortion or on abortion, generally we focus on what is decided rather than who decides.

Mr. President, I strongly object to government deciding who gets what related to pregnancy services in this legislation or all others, because when we see the heavy hand of government intruding, we see the emerging of the most repugnant practices.

The Senators on the other side of this issue and I would agree about the repugnant practices that have gone on in China related to coercive abortion and even forced sterilization. The Senator from New Hampshire spoke earlier about his concern about abortion for sex selection and I denounce that as much and as forcefully as he does.

What we saw in China, where they mandated abortions, and then government got involved in Romania encouraging women to have babies—once women reached child bearing age up until the time they were post menopausal, they had to go four times a year to be examined to see if they were practicing birth control. If they were, they were punished by the state, so that they could have babies to fund the Communist-laden Ceausescu regime.

We do not want extremism in this country. When government gets in-

involved in reproductive issues, it is extreme. We have a constitutional framework that says this decision for all women is to be based on a clinical situation and a person's conscience and faith preference. That is what I believe we should adhere to.

But the Hyde restrictions represent another path. They bring government into the doctor's office. They bring government into the family living room. They would allow Medicaid funding for access to abortion only in certain circumstances; rape, incest, or to save the life of a woman. Those are excellent criteria. But they should not be the only criteria, and it is not the government that should decide what are those criteria.

What would this mean for the women receiving Medicaid? It would mean that the Federal Government has the power to decide for these women whether they would have access to an abortion simply because they are poor. It would put government in charge of deciding which abortions are OK, and which are not OK. If abortion is bad, then it is not OK under any circumstances.

I do not think that is what we are here to decide, what is OK and what is not OK. What is OK is the constitutional framework that allows us to make those decisions ourselves.

And it would make it virtually impossible for poor women to exercise their own choice to have a legal medical procedure protected by the Constitution.

Mr. President, of the 32 million Americans receiving Medicaid coverage more than 9 million of these recipients were women of childbearing age.

Almost two times the population of my State.

It is unacceptable to me, and to the women in this country, that the Government tell these women that just because they are poor—they do not have the same right that other women have to decide to have an abortion.

But that is exactly what we will be doing, Mr. President, if we fail to defeat this effort to restore the Hyde restrictions.

We are going to tell these women that because they are poor they do not have the same right to decide whether to have an abortion that other women have.

We are going to tell them that as citizens of the United States who make up a population almost two times my own State that the constitutional protection for access to abortion does not apply to them.

Mr. President, the effort to restore the Hyde restrictions is the worst kind of public policy. It discriminates against only one class of people, only one gender, for one reason and one reason only: They are poor and they are vulnerable.

Congress enacted Medicaid to increase access to the Nation's health

care system for people whose incomes were insufficient to meet those costs. We did not say some people would have access to one type of medical care and not another. We gave doctors and patients the freedom to choose the best medical procedures best suited to meet the needs of the patient. That is what we must adhere to.

"The very heart of Medicaid," as Supreme Court Justice Brennan so eloquently put it, "is to give doctors and patients the complete freedom to choose those medical procedures best suited to the needs of the patient."

All women, regardless of income, should have access to the same reproductive health care services available to all other women.

Poor women must have the same right to decide whether or not to have an abortion as other women.

Opponents to abortion have tried every way they can to limit access to abortion, and today is no different, whether it is whittled away because of the waiting periods, mandatory counseling, and a whole host of others. This time they have aimed their voice exclusively at women who have no voice and little power.

I would like to take a moment to clarify the arguments that we have heard on this issue. First, lifting the restrictions does not mean that Government would advocate or encourage abortion. What lifting the restriction means is that the Government will get out of the business of intruding into the lives, private lives, of women and let a woman make that decision for herself. It means that Government will stop playing the role of the physician. It means that the Government will stop intervening between a woman and her doctor as they decide on this issue.

Second, the current Hyde restrictions are not neutral. They cut off access. They make it difficult, if not impossible, for a woman to make the choice. The only truly neutral position is to allow women themselves to choose, not Government to tell them what they can do and what they cannot do.

Mr. President, just last month the Senate and the Congress eliminated similar restrictions on a woman's access to abortion if they worked for the Federal Government or are spouses or dependents of Federal employees. Federal health benefits like Medicaid are paid for in large part by the Federal Government. In fact, the Federal Government pays on average 70 percent of the cost of Federal employees health plans. In fact, the Federal Government in lifting the restrictions of barring Federal employees' access to abortion did not send a message that Congress encourages abortion.

We simply took Government out of the equation.

We put a stop to Government intrusion into the personal lives of women.

We are not deciding for these women. We are not telling them to have an



abortion. We are not telling them not to.

We are simply saying they should have the ability to make that choice for themselves—that is what the Supreme Court said 20 years ago.

And that is exactly what I am arguing here for the 9 million women who receive their health care through the Medicaid Program.

Congress should be neutral in offering benefits under Medicaid just like it is with the Federal employees health benefit plan.

Mr. President, restoring the Hyde restrictions is about one thing: Government intrusion into the private lives of women. It is about denying women choice, and it is about discrimination against women, against the poor, against citizens who are vulnerable and have no voice in their Government.

It is time to put an end to this type of discrimination.

It is time to put an end to this type of governmental extremism.

And it is time to restore the issue of who decides to the women of America—rich or poor.

I urge my colleagues to keep Hyde restrictions on Medicaid funding for abortions out of this bill.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Pennsylvania [Mr. WOFFORD].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. I thank the Senator. I do not like to disagree with the Senator from Maryland, but today we are being given two bad choices: Either to reaffirm the two-tiered system in which the poor are denied an option available to other Americans in most private sector health insurance plans; or to affront the deep moral views of many Americans by extending direct Federal funding to pay for abortions.

The sad fact is that we are being asked to accept these choices at just the time a solution is within reach—a solution that will make such choices unnecessary.

The President has proposed a new system of universal health insurance that will end the present two tiers—one for the poor, through Medicaid, and another for everyone else. He proposes that the Government get out of the business of directly paying for particular health care services.

Under the President's plan, those now being assisted by Medicaid, like other citizens, will become members of regional health alliances—insurance purchasing cooperatives, nonprofit corporations, not Government agencies. The former Medicaid recipients will have their premiums in these alliances subsidized by the Government, but they will have the same choices of health plans as everyone else.

Most, but not all, of the private sector health plans from which they would choose—HMO's, Blue Cross/Blue Shield,

insurance company fee-for-service plans, or new health care networks—would, as now, pay a participating doctor's bill for an abortion under the category of pregnancy-related services, subject to reasonable State regulations permitted by the Supreme Court.

But some providers, like religious hospitals for example, could explicitly preclude abortions, as they do now. The choice of what plan to choose, as of what services to request, would be up to the individual. The Government would be out of the business of directly paying doctor bills—not for abortions, not for anything else.

I am convinced that this proposed new universal health care system can, and will, solve this problem in a far better and much fairer way than either alternative before us today. It will enable those receiving subsidized premiums to choose among the same range of health care plans that other citizens can now choose. That is fair. That is a sensible American way to proceed.

Mr. President, my own long-held and repeatedly stated position on abortion has never satisfied either of the two contending principled camps. Nor will it now. I respect the convictions and the fervor of both these camps—those who defend the right to life of the unborn and those who, with equal power, defend the right of a woman to choose whether to terminate an unwanted pregnancy.

But I believe, Mr. President, that the real choices are not that simple.

When I came to the Senate, one of my new colleagues advised me that the easiest way to deal with this subject is simply pick one of the two sides—pro-choice or pro-life—and stick with it.

After 2 years in Washington, I can see the expediency of that advice. It would be a lot easier to choose a label. But for my whole adult life, I have resisted that kind of simplistic labeling. My reason and conscience long ago led me to reject the absolutism of either side of this issue. And it still does.

Over the years, I have had the counsel of my wife, my family, and my faith. I have listened to thousands of intelligent, caring Pennsylvanians on both sides of this issue. For me, the question of abortion could not be boiled down to a simple label, a verbal shorthand.

The passionate and loud voices from the two camps uphold what seems to them absolute truths, but they tend to drown any other voice. Mr. President, the American people are not just divided into those two parts. There is a much more broadly shared position held by those who stand on a different ground because they see the matter differently. I am one of these.

For my colleagues and constituents who may be interested, I again note for the record what I have said repeatedly and consistently since I was appointed to the Senate.

I support a woman's option to choose up to the point of fetal viability, subject to reasonable regulations that do not impose a substantial obstacle to the effective exercise of that right. That is what the Supreme Court says, and I believe it strikes the right balance.

I have long opposed efforts, by congressional action or constitutional amendment, to overturn the Supreme Court's decisions on abortion, beginning with *Roe versus Wade*.

I believe that unwanted pregnancies and abortions are tragic, and that the large number of such cases is a sign of a profound irresponsibility of our times.

Therefore, it is essential to increase the availability of adoption; improve and promote family planning and education programs, and contraceptive research; and take other steps to encourage self-discipline and individual responsibility to reduce the circumstances that lead to abortions.

From *Roe versus Wade* to the recent *Casey* case, the Supreme Court clearly holds that abortions, within reasonable regulations, are legal. I believe they should be safe. But I also believe we must work together to make them rare.

Reasonable regulations on abortion have seemed to me—as to the Supreme Court—to include provisions prohibiting abortion during the 7th, 8th, and 9th months, except when the life of the woman is at risk, or if she would suffer major health problems by carrying the pregnancy to birth. They also include requirements of parental consent in the case of minors, if there is a judicial bypass procedure.

Unreasonable regulations include the so-called gag rule, prohibiting a doctor or health professional from counseling patients against abortion, which I voted against. And I have also voted against the Mexico City policy, which applied the gag rule to international family planning programs. I voted to permit overseas military personnel and their families to obtain an abortion at a U.S. military hospital at a woman's expense, since it seemed unreasonable to deny those serving abroad a right they would have had at home. I am supporting the Freedom of Access to Clinic Entrance Act. And I have voted to increase funding for family planning services through title X.

It disappoints me that despite my long-held personal position and my consistent public statements since I came to the Senate, with each vote, one side or the other—or both at once—have mischaracterized my position. That will probably happen again today as I reluctantly vote on this question.

Because of my own beliefs and the deep division in our society, I have regularly opposed the use of Federal funds to directly pay for abortions except in cases of rape, or incest, or where the

woman would suffer major health problems by carrying the pregnancy to birth. That is what I believed before I came to the Senate, that is what I have said since I got here, and that is how I must vote today.

But I cast the vote unhappily because I do not think this is the time or the way to end the two-tiered system that denies equal opportunity to the poor. I want to see that system replaced by a fairer system which gets Government out of the business of paying directly for medical services. That kind of universal health insurance is what we must now work to achieve in this Congress.

Finally, there is another overwhelming practical reason why this is the wrong time and way to try to change that two-tiered system in relation to abortion. If the President's proposed new system is seen to be directly and explicitly paying for abortions, I do not think health reform will pass. Some of the same religious and medical groups that most want to support universal health insurance would have to oppose it. And I understand why.

On the other hand, if the new system seems to be taking the right to choose away from the great majority of women whose present private sector health plans pay for abortions as pregnancy-related services, there would also be no action—only more gridlock. The majority of American women, whatever limitations on abortion they would support, would not accept legislation that took that choice out of their health plans. Nor would I.

So the way ahead is clear and promising if we can move away from the divisiveness this issue represents today and develop the universal health insurance system that the great majority of Americans want and need.

Let us build on that common ground. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized for 10 minutes.

Mr. METZENBAUM. Mr. President, I rise in opposition to this amendment which restricts Medicaid funded abortions. In reality, a woman's fundamental right to have an abortion is the equivalent of having the ability to pay for an abortion. Public financing of abortions is essential if the constitutional right to choose is to have any meaning for poor women.

There is something rather absurd about this debate. Why is it that rich women can get abortions but some would say that poor women cannot? Why do we discriminate against them? It is they who probably need the right to have abortion, and the right in-

cludes the ability to pay for it. More than women generally, it is they who do not know what to do when more and more children come into being, and they have no way of stopping.

The lack of Medicaid funding for complete reproductive services also has serious economic and health consequences for low-income women and their families. The goal of the Medicaid program is to protect the health of poor women by helping them obtain necessary medical services they cannot otherwise afford.

Women who are Medicaid eligible are particularly susceptible to having problem pregnancies because of the health risks and nutritional deficiencies that often result from their poverty. Yet we would turn our backs—some urge us to turn our backs—on these poor women. Denying these women Medicaid funding for abortion flies in the face of the program's goals. It increases the health risk for poor women by forcing them to carry health-threatening pregnancies to term. Even when these women on their own somehow raise the money to pay for an abortion, the delay in obtaining an abortion exposes them to the health risks associated with delayed abortions. Truly desperate women may even undergo unsafe or self-induced abortions because they simply cannot afford the cost for a legal procedure performed by competent health professionals.

In 27 States the cost of abortion is more than two-thirds the maximum monthly Medicaid payment. In nine States, this cost is higher than a family's entire monthly Medicaid allotment. Given this economic reality, finding the money to pay for an abortion sometimes means that women in their families go without food, clothing, and other essentials.

What kind of a crass attitude can we have that we turn our back on these poor women who are crying for help, who are crying for the privilege, the opportunity, the right—which is really the correct word—the right to have an abortion but do not have the funds to do it? But those women who do have the funds to do it can do it.

I fully support responsible efforts to reduce the need for and the number of abortions in this country. But denying complete and safe health services to the poorest of the poor is not the right way to go about it. Women, whether they be rich or poor, and not legislators, whether they be Democrats or Republicans, are best able to make this most intimate of decisions for themselves.

This is not a decision that should be made by those of us in the Congress. This should not be determined by whether the vote is 51 to 49 or 52 to 48. This is not a decision that we should be making.

This is a decision that the woman has a right to make for herself. But we

are saying, yes, woman, you have a right to make it for yourself if you are rich, if you have the wherewithal to do it. But if you are poor and do not have the money to do it, you cannot make that decision, and we are not going to help you in any way. So we are going to turn our back on you because we, the Members of Congress, have decided who can and who cannot have an abortion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio yields the floor. Who yields time?

The Chair recognizes the Senator from New Hampshire.

Mr. SMITH. May I please inquire how much time remains on this side?

The PRESIDING OFFICER. The Senator from New Hampshire has 48½ minutes remaining and the Senator from Washington 46½ minutes remaining.

Mr. SMITH. I yield 10 minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, we are engaged in a very important debate today, namely how and whether taxpayer funds will be used to pay for the provision of elective abortion.

That is an issue that is being discussed and being discussed eloquently by people on both sides. But there really is a broader issue before us. And while I am rising to oppose the committee amendment it is that broader issue that I would like to address because I think that is an issue that the Senate and the American public tends to ignore and ultimately that we will have to face if we are going to resolve this and many other issues concerning the value of human life.

Mr. President, it seems we are a Nation at conflict among ourselves and within ourselves. The debate over abortion has divided our country. It has divided our minds and emotions as well. We have come over time to believe strongly in individual autonomy and personal privacy. We have come through dramatic advances in medical science to see the complexity in the humanity of life before birth.

The jarring inconsistency of our deepest beliefs about liberty, and our strongest convictions about life, have led to endless struggle and even broken the peace between neighbors. Law is set against medical science. Political rights are set against moral commitments. These are contradictions we cannot escape but we cannot accept either, and we cannot seem to overcome.

Abortion remains the second most frequently performed medical operation in America, following circumcision. But many of the same doctors also treat an unborn child with surgery, and drugs, and blood transfusions. And when we pray and hope for the recovery of that tiny unborn patient we also know in the back of our



minds that patient has no legal right to live, the same life and in the same hospital can either be heroically saved or tragically terminated.

Mr. President, this is a contradiction that cannot ultimately stand.

Abortion is available in this Nation at any moment of pregnancy. And though most abortions are early, many are quite late. But medical science has raised the fear that an unborn child cannot only respond to treatment but also feel pain. We hesitate to look at this contradiction full in its face. Political abstractions are easy. The pain of a child is difficult to comprehend and to face. This contradiction also cannot ultimately stand.

Many or most Americans, as the polls tell us, believe that abortion is a matter of a woman controlling her body. At the same time, in a crisis of drug abuse, the unborn are singled out as victims, and targeted for our help. When their mother uses drugs, these children suffer terribly. Were these children simply another part of their mother's body? Was the decision that a mother made to take drugs hers alone? Is not there a victim here that deserves our sympathy? This also is a contradiction that ultimately cannot stand.

We have tried as a society to live with these impossible internal conflicts that set our passion for freedom against our compassion for the weak. But we have found that we cannot live in two minds. We have found our bonds as citizens strained and broken. We have entered a new civil war where civility has been the first casualty.

It is true we have not reached an equilibrium as a Nation. We have reached impasse. And I think it is time some fundamental questions need to be asked and answered.

In an early debate over civil rights, Susan B. Anthony peeled the issue to its essentials, focused a Nation's attention, and forced a decision. In 1873 she gave a famous speech in which she stated, "The only question left to be settled now is: Are women persons?"

The debate before us today is a debate on the meaning of life. It is an opportunity for that same clarity. Here the question before us, for all to see, stripped of distraction is this: Does a human life before its birth deserve our love and protection or should it have in our hearts and in our laws no value at all?

Today by approving the committee amendment we will say something about the American experiment in limits we place on its promise. America's founders raised a standard for the ages, remarkable for its purity and its power that all men are created equal, and endowed by their Creator with certain unalienable rights. It is true that the laws they live by, even the Constitution they wrote, stood in tension with that traditional ideal, but the standard remained and sustained the options of the weak.

The history of our Nation is largely the story of how those hopes were advanced. Our progress toward the ideals of the declaration was bought with blood, demanded with eloquence and written into law.

One by one, the powerless, the weakest, were embraced and the American family was extended. African-Americans, women, the handicapped. Each found their place in our society. Each discovered that America's promise, though delayed, was not denied.

Over time our Nation has developed a system of rights deeper and wider through the persistence of those who have passionately argued for inclusion, not exclusion.

Abraham Lincoln wrote of our Founders:

This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the creator to his creatures. \* \* \* in their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on \* \* \* they grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children's children, and the countless myriads who should inhabit the earth in other ages.

That beacon still shines throughout the world. It still lights the path of nations where freedom is new.

It is my deepest concern, my nightmare fear, that we will shut out that light—that we will halt the progress of America's promise—and case one class of the powerless into the darkness beyond our protection.

Lincoln talked of America as a Nation dedicated to a proposition, embodied in the declaration. But can the weakest member of the human family find a humble share in the promise of our founding?

Will we say, after centuries of struggle, that the gate of mercy is now shut and locked and the key is lost?

These are questions that put the American experiment to the test.

We are told today we must make our choice between a mother and her child, as though the happiness of one was bought by the suffering of the other. Take your side, we are informed, and the fight can begin. Make your decision between liberty, on the one hand and life, on the other.

But no society, or human soul, can make such a terrible choice, and live with its nightmares. Life and liberty are inseparable promise. To choose between them is impossible—and unnecessary. For the same God has given both life and liberty and allows no final conflict between them.

We cannot, we must not, make that choice. For by that choice we set a limit on America's promise. By that choice, we strop the long advance of protection for the weak, saying: "enough, and no more."

We must not make a choice—we must make a promise—a promise to children that they will be protected by thick walls of law and love; a promise to women that they will not face their hardest moment alone—that even when they are abandoned by their child's father, they will find the comfort and help of a caring society; a promise to promote nurture and ease adoption.

Compassion, when used, is never used up. When we give it away, we find more in ourselves. As Americans, we have always found that the more places we set at the table, the more abundant the feast. Everyone is welcome. No one need be turned away.

Too often, we have been captives to our recent past. For two decades, too many bitter words have passed between those who should not be enemies. Conflict over abortion runs through American life like a poorly healed scar.

We must begin again—begin to emphasize, not the limits of our protection, but the need for inclusion. We need to begin to recover a passion for the priorities of our founding. We need to begin to seek ways to help both a mother and her child, even at a cost.

It is a promise still untried—but we must try it.

If the committee amendment before us today passes into law, it will mean the death of an ideal—an ideal in which the weak are protected, the powerless strengthened, and the silent given a voice. That ideal has never been fully reached, but it must never be finally abandoned.

Passage of this measure would mean that the world is too loud with struggle to hear the cry of an unborn child.

At another pivotal point in our history, as others argued to restrict the protections of the American experiment, Abraham Lincoln commented that such men were "blowing out the moral lights around us."

The darkness grows. It falls to us to carefully, one by one, relight the moral lights around us, so that the weak might find refuge in the circle of that glow, until the morning breaks, and the darkness will be like noonday.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains for debate?

The PRESIDING OFFICER. The Senator from Washington controls 46½ minutes and the Senator from New Hampshire controls 37 minutes.

Mrs. MURRAY. Thank you, Mr. President.

I yield 10 minutes to my colleague from California and thank her for waiting since 9:30 to be a part of this debate.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for 10 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Washington for her tremendous leadership on this very important issue.

I rise in support of the committee's amendment to strike the Hyde language from the Labor-HHS bill.

Maybe my colleague from Indiana, in his eloquence, revealed something about his argument when he started off his quotes with this one: "All men are created equal."

Well, Mr. President, we are debating here today whether it is all men who are created equal or all men and women. And today we are really debating the equality of women, particularly the equality of the most vulnerable women in our society—poor women.

For 17 long years, the Hyde amendment has attacked poor women by not allowing them to use their health insurance for abortions. The Federal Government, through the Hyde amendment, has targeted these women—treated them differently from rich women—and forced them to face a very difficult personal decision without the vital protection of health insurance.

By giving control over to big brother Federal Government, we have forced some of these women into back alleys and others into situations where they have to travel far and wide to find a nonprofit agency or charity that can help them. The Federal Government has forced many of them to continue their pregnancies. And I want to repeat those words: The Federal Government, the Congress, Senators and House Members have forced these poor women to continue their pregnancies. And that, Mr. President, is not right.

No one, as long as they abide by the law, should be forced to continue a pregnancy, just like no one should be forced to end a pregnancy if they do not want to. Abortion, under the law, is a legal right in America, but, through the Hyde amendment, Members of Congress have tried to shut off that legal right from poor women.

We have an opportunity today, under the leadership of the Senator from Iowa and the Senator from Washington, to close this dangerous chapter in our Nation's history. The appropriations subcommittee was right to strike the Hyde language from the bill. This is a health issue. A safe abortion, paid for by insurance, is legal in this country. Medicaid is health insurance. It should pay for the same pregnancy-related procedures as private health insurance pays for.

Make no mistake about it. No matter how the supporters of this amendment try to paint this issue, its purpose is clear. The amendment is about taking away a woman's right to choose—in this case, a poor woman's right to choose. The Hyde amendment is about discrimination against poor women. It is about continuing an out-of-date pol-

icy that plays politics with women's health, creates a two-tier system for women, and leaves all too many of them out in the cold without their legal rights.

You see, there are many ways for Government to deny people their rights. One is to pass laws outlawing those rights. The people who do not want to see abortion continue to be legal do not have the votes to do it. They cannot do it. So rather than try to pass a law outlawing abortion, they make it impossible for certain women to exercise their rights. That is what the Hyde amendment is all about.

I think it is important for us to look at the Medicaid system and the people it serves. The program was enacted in 1965. I want to quote from the guidelines. Medicaid was set up in order to increase access to the Nation's health care system for individuals "whose incomes and resources are insufficient to meet the cost of necessary medical services"—and to—"help such families and individuals attain or retain capability for independence or self-care."

Those are the guidelines of Medicaid, and in my view the Hyde amendment goes against those guidelines.

Who are these women? In America, we have over 9 million women aged 15 to 44 who are eligible for Medicaid. So this is not an issue that just affects a few women.

When we lifted the restrictions on Federal employees, which I was proud to see us do, it reached thousands of women. This amendment reaches to millions of women. Forty-three of our States have less than 9 million people living in them. So you can see the magnitude of this issue.

These women live in every city, every town, every State; 1.5 million in my home State; 14,000 in Wyoming. What do these women look like? I have looked at the demographics of Medicaid. Most are Caucasian, but there are African-Americans, Asians, and Latinos, as well.

Their pathways to poverty are as varied as their backgrounds. Some lack education, some jobs, some had husbands who walked out on them without paying the bills, deserting these women, leaving them and their children behind, and not paying court orders. But these women have one thing in common: They are poor and they are powerless. And because of the actions of this Congress and past administrations, they have been denied their legal rights because they could not pay for an abortion.

The proponents of this amendment will tell you this is not about outlawing abortion. They say: We are not stopping these women from getting an abortion; we are just refusing to pay for it.

But what does this mean to these women? We are not talking about families who are making \$1,000 a month,

even. Many of them are living on \$500 a month. So when you take away their fundamental rights by eliminating their ability to exercise those rights, you are hurting them; you are targeting them; you are selecting them; you are making them less of a citizen.

Just think about it. It is as if we locked these 9 million women in a room and told them they were welcome to come outside and exercise their freedom, except there is only one thing: We locked the door from the outside, and they cannot get out. We have locked them in, sometimes in abusive relationships, with health challenges, with other terrible problems, in addition to their unwanted pregnancies.

But those who would deny these women access to abortion don't seem to care about that. They do not care about these women who would have to choose between an abortion and providing food, shelter, and transportation for their families. They do not care about these women who might have to delay their abortion because they are looking for the money to pay for it. And as time goes by, the procedure gets more dangerous.

They do not care about the back alleys. My colleague from Washington told us about her friend who had to go to a back alley and that woman could never bear children again. They could not care and support the Hyde language that the Senator from New Hampshire supports.

But we ought to care. We had better care. Because behind the rhetoric, we will find the human faces of this issue. I will tell you about a couple. There is Monica, a 23-year-old with three children who called the Women's Reproductive Rights Assistance Project in Los Angeles. She called them for help because she became pregnant when her birth control failed. Unemployed and unable to care for another child, she became suicidal.

I say to my colleagues, how is it good for society if this woman kills herself and leaves her three children alone? How is that good? How is that pro-life, Mr. President?

Then we find Janet, a 23-year-old woman living in Denver, CO. Her counselor recently called the National Abortion Federation hotline to get help for this woman. A few years ago, she shot herself in the head and now needs medical care. Her doctors interpreted the fatigue and vomiting associated with her pregnancy to be a psychotic breakdown, and treated her with large doses of Lithium. By the time they realized she was pregnant, Janet had only \$32 in resources. Her counselor says that often she does not even remember she is pregnant. She needs medical transportation, and the only clinic that might give her a significant discount is too far away.

We must ask ourselves today, do we really want to force this woman, a



woman already hurt by her physical and emotional problems, do we really want to force her to continue her pregnancy? Should we give her that right to continue it? Absolutely. Should she have the choice to continue it? Definitely.

So, yes, let us look at the human consequences of the Hyde amendment. Let us look at the fact that 20 percent of the women who are denied publicly funded abortions are forced to carry their pregnancies to term, usually at considerable emotional and physical cost. Let us look at the other 80 percent who find another way to terminate their pregnancies. Sure, this could mean borrowing the money. But, all too often it means attaining unsafe services that lead to health problems—and all too often—to death.

The PRESIDING OFFICER (Mr. CAMPBELL). The 10 minutes of the Senator has expired.

Mrs. BOXER. I ask for an additional 2 minutes.

Mrs. MURRAY. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 additional minute.

Mrs. BOXER. Obviously, I think women deserve that choice.

We all know what happens when we deny women safe, legal care. Have you seen the recent survey, Mr. President: 200,000 women die each and every year from the consequences of unsafe abortions worldwide.

We can hear every wonderful speech here, and I admire my colleagues for their deeply held beliefs. But we must deal with reality. If you outlaw abortion women will still get them. And 200,000 women worldwide die each and every year. Is that what we want to do to these poor women? Hurt them? Punish them? Force them? I hope not. I am sure that no Senator really wants to do that. Most of the Senators who support the Hyde amendment do so because they believe that they do not want to use Federal funds for abortion. But, we must look at the reality of what we are doing here. The reality is that denying Medicaid insurance for abortion causes the death of poor women, the despair of poor women and the discrimination—plain and simple—against poor women.

We have a chance today to repeal this Hyde amendment and give these 9 million American women not more rights than anyone else, but their legal rights.

Abortion is a legal right. There are some who do not want it to be a legal right. I respect them. I encourage them to work for the day when their way prevails. But their way has not prevailed.

So, let us be clear on the issues and defeat this amendment. Now is the time to repeal the Hyde amendment and give these 9 million American women the legal rights, the equality

and the health care access that they deserve. Let us not forget that abortion is a legal right. Let us not take that right away from 9 million American women simply because they are poor. Let us defeat this amendment.

The PRESIDING OFFICER. The addition time of the Senator has expired.

Mrs. BOXER. I hope we support the subcommittee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I yield 5 minutes to the distinguished Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, for years, the Senate has been debating and voting on whether to restrict Federal funding for abortion through the appropriations process. Since 1977, the annual Labor, Health and Human Services, and Education appropriations bills have included the Hyde amendment, which restricted Federal funding for abortion except when the life of the mother was endangered. This year that amendment has been expanded to provide exceptions in the cases of rape and incest as well as when the life of the mother is endangered.

Similar restrictions on funding for abortion have also been included in other appropriations bills—creating a hodge-podge of abortion amendments that have bogged down the appropriations process for more than 10 years. Many attempts have been made to pass legislation to remove this issue from the appropriations process. In fact, in 1982, I introduced legislation which would codify Federal funding restrictions for abortion in statutory form. Unfortunately, these efforts have not been successful and we have been left grappling with this important issue on appropriations bills.

There is no doubt that the issue of abortion continues to divide our Nation. Each vote we cast in this body is important. By focusing so much attention on the gains or losses on either side, however, we lose touch with the real issues. How do we as policymakers assure that abortions become unnecessary? How do we address the societal, family, and personal conditions that contribute to the existence of abortion?

Unless we address these issues in a thoughtful manner, we will continue to have this debate over abortion year in and year out. We are not contributing to the healing or reconciling of the Nation. We are contributing to the dividing of the Nation.

I have supported efforts to protect the unborn because I believe abortion is taking a human life. I have long advocated efforts such as family planning, research and perfecting of contraceptives, and education to make abortion a moot issue. This often makes me an anomaly in the pro-life movement.

Yet, I truly believe we can and we must find areas of agreement so that both sides, pro-life and pro-choice, can come together and work to end the need for abortion. That is resolving the issue. How we have been doing it does not. Why can we not get together on those basics in order to prevent abortion from becoming necessary in anyone's life?

Mr. President, I will cast my vote today in favor of retaining the restrictions on federally funded abortion. I would like to go on the record, however, concerning my discomfort with the expanded Hyde amendment which includes exceptions for rape and incest. I have opposed this expansion in the past because I felt that life conceived through rape or incest was no less deserving of protection because of the circumstances under which it was conceived. I have not changed my views.

Sadly, as I stated during the debate on the fiscal year 1994 Treasury, Postal Service appropriations bill earlier this year, the changing politics of abortion have led pro-life supporters to bow to political realities by including an allowance for abortion for rape and incest victims and thus staving off an all out release of Federal tax dollars to pay for abortions.

Mr. President, as one who is strongly guided by conscience, I am not comfortable voting for an amendment which allows Federal funding for any abortion unless the life of the mother is in danger. But voting for some restriction on taxpayer-funded abortions is better than no restrictions at all. Therefore, I urge my colleagues to oppose the committee amendment to strike the restrictions on Federal funding for abortion included in this bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN], is recognized for 10 minutes.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I rise to support the Democratic women of the Senate in urging that this amendment not be part of the bill. Mr. President, I have been a part of these discussions and debate for a long time. If I have found one thing out, the discussion that surrounds a woman's right to choose is very often filled with religious conviction, family conviction. It very often does not really connect with the personal circumstances of the women of this Nation, being as varied as they are today.

The amendment that is proposed here would strike at the root of funding. It would effectively deny funding for an abortion if you are poor and you have good reason to have an abortion. And I

believe many of those who say that you should deny this funding do so on the basis of their own framework of life; they have a healthy, happy family; they understand even an unwanted child can be well brought up in our Nation.

What I have seen is a lot of unwanted children who do not have that opportunity. I have seen, for example, crack-addicted babies, HIV-positive babies in intensive care units of hospitals where it costs the taxpayer \$250,000 just to get a youngster out of a preemie intensive care unit into a regular intensive care unit. And then I have seen those children whose central nervous systems are damaged at birth, unwanted for adoption by anybody. So what happens to that child? What kind of quality of life does that child have? And all of these children, by and large, are produced by poor women.

In my State, there is a very interesting figure, and I would like to share it with you. Basically, that figure shows that the women who had Medicaid-supported abortions in 1977 when it was permitted and the women that had Medicaid-supported abortions in 1991 are 60 percent fewer. So that indicates to me, coming from a State that does permit the funding, that the rate of increase in publicly funded abortions is not necessarily going to increase as a product of this amendment.

Let me give you, beyond the statistics, a few examples of the kinds of women that this amendment would militate against:

A 30-year-old white woman with three young children on AFDC, no car, no indoor plumbing. She is unemployed with a ninth grade education. Her husband left her, came back, and left her again when she was pregnant. She does not believe she can bring another child into the world.

A woman who has been on AFDC for several years. She had her tubes tied but she was already pregnant at the time of the surgery. It was too early for a pregnancy test to show a positive result.

Another instance. A woman who is a violent schizophrenic, psychotic patient at a State mental hospital. She did not want to have a baby but would have been forced to do so without Medicaid funding.

A 15-year-old in a family of eight children, all on public assistance. She did not want to have a baby. She wanted to finish school. Her mother was supportive of the decision to choose abortion. She did not want her daughter to end up with a life like hers.

Another, a 42-year-old HIV-positive, crack-addicted woman who did have her child and subsequently abandoned the child at the hospital.

Let me read you about a Michigan case, the case of a woman who is 34. She has rheumatoid arthritis. Both her elbows and knees have been replaced

with metal. She has little strength in her wrists and hands and had to struggle to hold a carton of milk. Her left foot does not move, her right foot hardly moves at all, and she cannot wear shoes because of a nodule on her left heel. She walks like a penguin, often falls down, and uses a crutch for balance. Sometimes the pain in her neck and head is so severe she cannot talk or eat. When she found out she was pregnant, she wanted an abortion. If it were not for a special nonprofit fund in her State, Michigan, she would not have been able to have had that abortion.

In my own life, I know a young woman, 14 years old, who had two members of her family—she is from a narcotics-addicted family—shot and killed. She is unstable. She is immature. She is unable to care for a child. Fortunately, in my State, she was able to obtain Medicaid to have an abortion and prevent giving birth to a child.

These are some of the real cases in the real world. There are no happy families in these cases. There is no real ability to take care of a child in these cases.

These are cases I often think that we who expound with a lot of rhetoric in this Chamber tend to forget, and yet they are the cases to which this legislation would apply. These are the poor people of our Nation, where there very often is not good family support, where there is not a healthy environment.

I believe that you cannot be pro-choice today and be antifunding. One has to come with the other. Unfortunately, I see a tendency today to say, "I am pro-choice, but I will also vote to deny abortion to people who may be crack addicted, who may be mentally incompetent, who may be unable to rear a child, who may abandon a child."

I think if you are prochoice you have to be pro-funding.

In 1973, Roe versus Wade was passed. Roe essentially protects a woman's right to choose; it sets up a complicated trimester system which protects the viability of the fetus; in the early trimester, it gives the right to choice to the woman; in the later trimester, it says that States can regulate the rights under which a woman can have an abortion.

Today we have 13 States who permit Medicaid abortion. As I said, I come from a State where the rate has not increased, where the rate between 1977 and 1991 has actually dropped by two-thirds. Yet, I come from a State where every one of the cases I have mentioned today applies.

I believe that every woman has a constitutional right to privacy when it comes to this issue; that every woman has the right to determine when and if, based on viability of the fetus, she should bring her child to term.

I am the first one to recognize that the circumstances that surround this

right vary wildly with every woman. They reach deep into the heart of a ghetto, where a woman is inundated with narcotics around her, or she may even be on narcotics herself. I believe that rather than deliver into the world a central-nervous-system-damaged baby, if she has the opportunity to abort that fetus, it may well be for the best.

These are the questions that we are pondering today: Whether someone who is poor and destitute with no family; whether someone who is young and mentally incompetent, who finds herself in this situation, with no method of support, will be able to maintain her basic right under the Constitution provided to those of us who do have family and support.

I think that in terms of the interest of poor women, funding in this situation is something that our Constitution also should provide.

So, Mr. President, I speak in opposition to the Hyde amendment or Hyde-type amendments. I do not believe you can be pro-choice and not be pro-funding.

I yield the floor. I thank the President.

Mr. SMITH. Mr. President, I yield 10 minutes to the distinguished Senator from Oklahoma [Senator NICKLES].

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES], is recognized.

Mr. NICKLES. Mr. President, first I would like to congratulate my colleague, Senator SMITH from New Hampshire, for his leadership on this issue, also for the very eloquent statement that he made earlier, in addition to a statement that Senator COATS and Senator HATFIELD made, which I was privileged to listen to.

I would hope that many people throughout the country when they are trying to decide on this very controversial issue would have a chance to review and listen to the words that they have spoken.

I do not think that I can match them for eloquence, but I would like to respond to some of the statements that have been made by our colleagues both from California and elsewhere.

I have heard a lot of discussion about a right to abortion. This is not about a right to abortion. This is about an issue of whether or not we are going to have Federal funding paying for abortion. I usually use the word subsidies, but basically this is the Federal and the State government, since Medicaid is a Federal-State program paying for the abortion; paying the entire cost. That cost ranges anywhere from, I guess, a couple hundred to maybe \$300 or \$500. But in most cases I think it is around \$300.

I have heard it mentioned that if this amendment—if we do not allow Federal funding to subsidize abortions, that this is unfair to women, particularly



poor women. I even heard that these are the most vulnerable people in society. I would say the most vulnerable people in society, or the most vulnerable persons, would be the unborn child. Half of those unborn children are women.

What about their right? What about their right to live? What about their option?

I heard some of the stories, and certainly there is no question some of those stories are very sad, real, and true. Crack-addicted babies, or babies whose mothers maybe are in serious mental or physical pain or are disabled, those are real tragedies. Caring for such babies is expensive. A crack-addicted baby—I think I heard the figure mentioned—costs a couple hundred thousand dollars, maybe even more.

So is the solution to destroy that unborn child in the mother's womb? Should we destroy the unborn child the day after the baby is born? If we are concerned about the finances, is there any difference?

I cannot follow that reasoning. It seems like people are saying, "Wait a minute, these people, because they are poor, because they have some physical ailments, we had better destroy their children while they are still in the womb." I think that is a serious mistake.

Mr. President, very seldom on the floor of—

Mrs. BOXER. Will the Senator yield because he is mischaracterizing—

Mr. NICKLES. I will not yield. I am not mischaracterizing the statement. I am responding to the statements that were made.

Mr. President, seldom on the floor of the Senate do we vote on life and death issues. This is one of those issues. This is an issue that if the committee amendment prevails and we eliminate the Hyde language, we are going to have the Federal Government financing the destruction of innocent unborn human beings. Make no mistake about it.

I remember my colleagues' predecessor from New Hampshire said how can two human beings create anything other than another human being? It is a human life that is involved. We are talking about the destruction of an innocent unborn life. Now we are talking about paying for it with Federal Government dollars.

I might mention that removal of the Hyde language would result in mandating that the States pay for these abortions with State dollars. Only 10 States in the United States now have unrestricted State funding of abortions. California happens to be one. But that also means that 40 States have restrictions on State funds, 40 States; the majority of States, a strong majority of States have restrictions on State funds.

Make no mistake about it. If we eliminate the so-called Hyde language,

if we have this as a Federal Government policy for the Federal Government to pay for abortions, the States likewise have to match those funds. So we will be mandating to the States they have to share in this operation which destroys innocent human beings.

This is not a State opt out. There are no State options. States have to match the Federal funds.

Right now if the States wish to fund abortions, and 10 States do, and the District of Columbia does, they can do so. This Hyde language does not eliminate it. The Hyde language says no Federal funds shall be used for abortion unless necessary to save the life of the mother or in cases of rape or incest.

So all the Hyde language deals with is Federal funds. Do States really want to have Medicaid funding of abortion? They can do so, 10 States do, some other States have partial State funding of abortions. They can do that.

The Hyde language does not take that opportunity away if they so desire to do it. But if we eliminate the Hyde language, we are going to be mandating the other 40 States to fund abortion partially with State funds whether they want to or not. Frankly, the majority of American people do not want to.

Poll after poll, show that the American people do not support funding of abortions by the Federal Government; I am sure the polls would be the same concerning State government financing of abortion. You will find an overwhelming majority say no. They may support the right of a woman to have an abortion. But they do not want to have tax dollars used to pay for it.

So there is a significant difference.

I just mention this. It bothers me that in the United States we have laws on the books that are more protective of endangered species than they are to human beings. You know, today we have 913 endangered and threatened species in the animal kingdom, and 345 plant species that are protected by the Endangered Species Act. The penalties, if you destroy an endangered species or if you destroy the unborn of an endangered species, are significant. Civil penalties include not more than \$25,000 for premeditated takings, down to \$500 for an inadvertent taking. A taking is permissible only in the defense of personal life or the life of family.

We are not talking about the life of a human being. We are talking about the life of an endangered species, a plant or animal.

Criminal penalties up to \$25,000 or imprisonment up to 1 year or both. That is the current law on endangered species that we evidently under this provision put at a much higher value than the lives of unborn human beings. Think about that. I am talking about, well, 339 mammals, 245 birds, 133 reptiles, 102 fish, 14 snails, 44 clams, 23 insects, and I could go on and on.

Three hundred forty-five plant species. In my State, we have the American burrowing beetle. If you destroy the American burrowing beetle, or its unborn, you could be subjected to fines and penalties up to \$25,000 plus a year imprisonment. But instead of protecting unborn children, if we allow the committee amendment to go forward, we are going to subsidize, we are going to have the Government pay for the destruction of unborn innocent human beings. That is offensive. They happen to be the most vulnerable of any human beings.

Mr. President, we have had the Hyde language for the last 16 years—since 1977, 16 years. It has saved hundreds of thousands of lives every single year. There is an article out in Detroit where the State government or the city quit government funding of abortions, and the number of live births went up 20 percent. It was just announced.

If we have the Federal Government make payments for abortions throughout the country, you are going to see abortion numbers rise dramatically; you will see the acceptability of abortion as a method of birth control rise dramatically, as it has in Washington, DC, our Nation's Capital, where I think the majority of women having abortions have had their second, third, or fourth.

In other words, they are using abortion as a method of birth control. That is very unfortunate because, again, we are talking about lives. Maybe in their case it is an inconvenience. I know there are a lot of horror stories and difficult situations out there. I have heard about the crack babies and so on, and I empathize with the crack babies. I also empathize with a baby born with Down Syndrome, but I do not think the correct answer is to destroy it. Certainly, if we have Federal funding of abortion and mandate that the 40 States that now have restrictions on abortion have to pay for abortions, even against their will, that is very objectionable. And I tell my colleagues that I think it will be received very poorly in those 40 States.

Mr. President, I urge my colleagues to vote against the committee amendment when we vote later this afternoon. I thank my friend and colleague from New Hampshire.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Washington that I will probably not need 5 minutes.

When I first came to the floor, before hearing the Senator from Oklahoma speak, I wanted to start out this way, and I think I will start out the same way. I wanted to say that for all of my years in public life, for that matter, just being involved in politics, I have found the debate on abortion to be the most painful debate because I believe

there are very powerful moral claims on both sides. I take a very strong pro-choice position, but I deeply respect people who embrace another position. I understand the moral claim, just as I understand the moral claim of the pro-choice position. That is what makes this so tough. Two moral claims, quite often, conflict with one another.

But I have to say to the Senator from Oklahoma that, as I hear him speak, it is difficult for some of us who feel strongly about this issue to hear a kind of debate language which implies that we are in favor of abortion, which implies we are not sensitive to a terribly important question. None of us are in favor of abortion.

The issue is whether or not a woman gets a right to choose, or whether the State decides. I think those who are opposed to the committee amendment really do not support the Roe versus Wade decision, and we understand that. They do not support the Roe versus Wade decision, or a woman's right to choose. Therefore, they are opposed to the committee amendment.

The problem is this: If you believe that Roe versus Wade was the correct decision, if you believe—as painful an issue as this is and as difficult a choice it would be for anybody—that it is not really the States that should decide, but rather a woman should decide, then you do not want to have a situation where some women, some families will have a choice, but others, because they are poor and do not have the income, will not have that choice. That is really what this vote is all about. Just because you are a woman of low-income, just because you are a Medicaid recipient, just because you do not have much by way of economic resources, does not mean that you should not have the same right to choose as all other women, as all other families in the United States of America.

I really believe that the committee amendment speaks to the best of what America is about, when we think of a standard of fairness, when we want to make sure that people have the same rights, that people are not discriminated against because of their income, and that each and every woman and each and every family gets to make the same choice. That is what the committee amendment speaks to.

That is the issue here before the Senate today. I hope out of a standard of fairness, regardless of Senators' positions on the overall question, they will support this committee amendment. I certainly rise to support it.

Mr. SMITH. Mr. President, I yield 5 minutes to the distinguished Senator from Alaska, Senator MURKOWSKI.

Mr. MURKOWSKI. Mr. President, I think we are all sensitive to the basic right of a woman to choose the disposition of her own body. But the issue here is the question of Federal funding of abortions. I think we have to recog-

nize and keep the argument within those parameters.

I am here today to support my colleague's amendment to prohibit the Federal funding for abortions, except in the case of rape, incest, or to save the life of the mother.

For 16 years, we have had a firm national policy that has prohibited taxpayer funding for abortions. The House vote on this issue earlier this summer was not a close vote by any means. The Hyde amendment carried 255 to 178. I think that vote by the House accurately reflects the current views of a majority of the American people on the question of using—and I want to emphasize this—taxpayers' money to pay for abortions.

Abortion funding is a State rights issue. Why should taxpayers in my State of Alaska fund or subsidize abortions in California or Washington or Maryland? If the States want to use their funds—and I understand approximately 10 States do—or allow private funds, basically, that is their business. But now we are addressing the question of using Federal funds, taxpayers' funds, whether the taxpayers want their funds used specifically for abortions or not.

Our President indicates that he hopes that abortions in this country will cease at some point in the future or be reduced substantially. We all hope that is the case. I, too, support what I believe our President is hinting at, which is personal responsibility. Along those lines, I believe what is often lost in the whole abortion debate is the issue of male responsibility for birth control. Before I came to the floor today, I inquired about the need to propose Federal funding for vasectomies. I was informed that Medicaid does currently provide funding for these services in limited instances. While I understand that vasectomies and abortion cannot necessarily be equated in terms of a method of birth control, I do think this is an important issue and one that is not talked about enough.

The crux of this question before us is simply Federal funding, and it should not be construed to be anything else. We have had various committee bills reported that allowed taxpayer funding for abortions on demand. The Veterans' Affairs Committee, on which I serve as ranking member, has not been immune to this trend. Despite my efforts to place limits on abortion on demand in VA facilities, our committee reported Senate bill 1030 with a provision to do just that.

For over 60 years, the VA has been mandated by Congress to treat disabilities and diseases of America's veterans. It is certainly difficult to argue that the abortion services fall under this category. This addition of services represents, I think you would agree, a profound change in the VA health care mandate.

I defer to a question of the capability within the VA to provide abortion services. The VA health care system has indicated it is not equipped to expand into abortion and other pregnancy-related services, and the VA testified before the committee that it has neither the staff nor the equipment necessary to offer these services. To overcome this, the VA told our committee that it would have to contract with other doctors and hospitals to provide these services. This brings us back to the issue of how to pay for these procedures because the funds simply do not exist unless they are taken from other veterans benefits related to health care. Mr. President, I intend to oppose that change when this legislation comes before the full Senate.

I ask unanimous consent that the article I wrote on this particular issue concerning veterans and abortion be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURKOWSKI. Mr. President, we all heard the President last week talk about basic health care needs that currently go unmet for many Americans due to lack of insurance coverage. I could not agree more that this is, indeed, a problem that needs fixing. But my concern is that we are, in essence, creating a Federal entitlement for abortion services. In each of these cases my point is the same: Taxpayers should not be forced to fund a procedure that is strongly opposed by a majority of Americans.

When we address the issues of: health care reform and its potential astronomical cost; and Congress' job of directing limited Federal resources for health care—whether it be for VA, Medicaid, or proposed Government subsidies, we must ask ourselves what are the basic health care needs Americans want their tax dollars to support? Should abortion be treated differently than other medical procedures? I think they should, and I think a majority of the American people think they should.

Mr. President, I do not believe federally funded abortions—other than in the cases of rape, incest, or when the life of the mother is at stake—constitutes medical necessity.

I urge my colleagues to support the Hyde language in the committee bill.

Mr. President, I yield the floor.

EXHIBIT 1

COMMENTARY: ABORTION POLITICS AND THE NATION'S VETERANS

(By Sen. Frank H. Murkowski)

The Senate Committee on Veterans' Affairs recently enlisted the Department of Veterans Affairs health care system as the point man in the movement for federally funded abortions.

While the veterans' committee seems an unlikely group to trump the 500-plus member



White House task force by breaking new ground for national health care reform, the committee's action broke with 16 years of legislative precedent against federal funding for abortions. The committee acted with little debate and no consideration of the impact on veterans' health care services.

By acting now, before the announcement of the president's health care reform package, the veterans committee has complicated the issue of health care services for the nation's veterans at a time when veterans can least afford it. Including abortion on the menu of VA services represents a fundamental change in the VA health care system, a change the committee made with no notion of the content or impact on the VA of the more comprehensive national health care changes to come.

For over 60 years, the VA has been mandated by Congress to treat the "disability and disease" of America's veterans. Now, the veterans committee is forcing abortion services into this mix by expanding the VA's mandate to cover a broad panoply of pregnancy-related services.

Leaving aside for now the American public's aversion to using tax dollars to pay for abortion—a sentiment recently echoed in the House of Representatives' reaffirmation of the Hyde amendment prohibiting federal funding for abortions—it is difficult to argue that pregnancy-related services—including abortions—fall under the categories of "disability and disease." This addition of services represents a profound change in the VA's health-care mandate.

While this change can be viewed as a desirable step away from reactive inpatient care, and towards proactive comprehensive health care, the committee's action is applicable to only 1.2 million of America's 26 million veterans. The overly complex criteria and priorities for VA care, as well as VA's inpatient focused philosophy of care, are ripe for reform. But successful reform should not be attempted on a piecemeal or ad hoc basis.

Clearly, the needs of the nation's female veterans—a growing presence in our armed services—need to be responded to. But what are the consequences of this expansion of services—adopted for the 1.2 million veterans who happen to be female—for the 26 million veterans; male and female, for which the system is responsible? The committee's action raises a host of such questions, none of which have yet to be asked, much less answered.

The first consideration is cost. Providing federal funding for abortion services by the VA will cost money—some estimates project up to \$1 million a year. Finding funding sources for new health services in the VA system today is a zero sum game: When services are expanded in one area, payment for them must come from somewhere else.

Unfortunately, the veterans' committee conveniently chose to ignore this fact. But the difficult choices involved cannot be ignored. In a system that cannot adequately treat those veterans who already qualify for services, adding abortion services to the VA health care responsibilities means that other veterans—both men and women—will lose out. How many? The \$1 million that it will take to cover abortions will pay for 10,000 ambulatory care visits, or 1,500 hospital admissions each year.

A second consideration is capability. The VA health care system is not equipped to expand into abortion and other pregnancy-related services. The VA itself testified before the committee that it has neither the staff nor the equipment necessary to offer these services. To overcome this, the VA told the

committee that it would have to contract with other doctors and hospitals to provide these services. This brings us back to the issue of how to pay for these procedures. The funds simply do not exist.

Finally, a veterans' bill is neither the time, nor the place to tackle the difficult question of abortion. The question is not one of being "pro-life" or "pro-choice." The question is whether veterans are well served by the use of the veterans' committee, and its legislation, as a means to influence either side of this debate. Even though he is "pro-choice," this is the reason Sen. Alan Simpson of Wyoming argued against bringing an emotional outside issue like VA abortions into the veterans' benefits arena.

Throughout this spring and summer Americans have patiently waited for the president's national health care reform proposal. The nature and scope of the VA health care system will be profoundly affected by the changes that are ultimately announced. Some members may believe that they can influence the nature of the president's health care plan by beating him to the punch on issues like federal funding for abortions. These actions may serve a political purpose, but they do nothing to improve the quality or accessibility of health care for American veterans.

The nature of these questions is too complex, and our commitment to our nation's veterans too profound for this kind of haphazard, "backdoor" approach to health care issues. The veterans committee has made a mistake. Let's un-do it before it's too late.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield the Senator from Massachusetts 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I support the committee amendment to strike the Hyde amendment from the bill. For the first time in 12 years we have a President who will sign this bill without a Hyde amendment restricting the use of Medicaid funds for abortion.

The Hyde amendment is discrimination, pure and simple. It is discrimination against poor women, and the Senate should not include any such provision in this legislation.

The Constitution of the United States guarantees to every American woman the right to choose to terminate her pregnancy. That is the law of the land. The Supreme Court recognized this right 20 years ago in *Roe versus Wade*, and reaffirmed it last year in *Planned Parenthood versus Casey*.

The existence of this fundamental right under the Constitution, as part of the right to privacy, is no longer open to doubt.

The Constitution guarantees that the decision of a woman whether or not to carry her pregnancy to term is a decision that is up to her, not the Government.

Unless you are poor. That is what the Hyde amendment says. It says that low-income women, dependent on Medicaid to meet their medical needs, are denied the opportunity to exercise the

fundamental constitutional right that is supposedly guaranteed, equally, to everyone.

If you are a poor woman, the Hyde amendment says, you are on your own to find the funds needed to pay for an abortion. We would do well to consider the real-world impact of such a policy. Studies show that the vast majority of women denied public funding for an abortion do not decide to carry the pregnancy term. Instead, they find other ways to carry out their decision to end their pregnancy.

For some women, obtaining the money for an abortion means they will fall behind on their rent or their utility bills, or shortchange their families on food or clothing, or be forced to pawn household goods.

For other women, it means postponing the procedure to later in the pregnancy, while they try to raise the funds they need to pay their medical bills. On average, low-income women obtain abortions 2 to 3 weeks later than middle- or upper-income women—a disparity that did not exist prior to enactment of the Hyde amendment. A recent report by the Council on Scientific Affairs of the American Medical Association concluded that when an abortion is delayed, the health risk of complications from the procedure, and even the risk of death, increases. The earlier the procedure takes place in the pregnancy, the safer it is. In other words, when a woman postpones an abortion she has already decided to have, she is placing her health and even her life at unnecessary risk.

For still other women, the Hyde amendment means turning to illegal or self-induced abortions. According to a study of women who died of reported illegal abortions between 1975 and 1979, the most common reason for seeking an illegal abortion was financial need. Eighty-two percent of the women who died were African-American or Latina.

Fortunately, because of *Roe versus Wade*, the dangers of the back alley abortion are no longer common in this country. But they still exist—because of the Hyde amendment.

Clearly, the Hyde amendment is counterproductive as a matter of health care policy. It causes some women to jeopardize their health by delaying an abortion. It places others at risk by sending them into the back alley. And it forces still others to continue a pregnancy that may be dangerous to their health. At a time when the American people have made it clear that they want better access to health care, we should stop undermining the health of a segment of our population by blocking access to abortion.

The Hyde amendment is flatly inconsistent with the goals and objectives of the Medicaid Program. Medicaid was enacted nearly three decades ago so that families living in poverty and unable to afford health care would be assured of access to necessary medical

services. Some 32 million Americans receive their health care under this vital program. But under the Hyde amendment, women and their families eligible for other medical services are barred from access to abortion, even though it is a constitutionally protected right, and even though most private insurance plans cover it.

The prohibition in the Hyde amendment is discriminatory and unjust. It increases health risks. It reflects an utter lack of understanding of the harsh realities of life for large numbers of women in our society. As an editorial in the *Boston Globe* stated after the House vote to approve the amendment in June, "those who cast their votes for the amendment demonstrated their contempt not only for poor women but for all women."

The dissenting Justices discussed the issue eloquently in *Beal versus Doe*, the 1977 case in which the Supreme Court allowed a Hyde amendment-type restriction to stand. Justice Thurgood Marshall noted that these types of restrictions, ostensibly adopted to encourage women to carry pregnancies to term, are in reality intended to impose a moral viewpoint, and they do so with no regard whatsoever for their real-world impact—which, he said, "falls tragically upon those among us least able to help or defend themselves."

In an opinion by Justice Blackmun, joined by Justices Brennan and Marshall, the dissenters in *Beal* concluded that the Court was out of touch. "There is another world out there," they wrote, "the existence of which the Court \* \* \* either chooses to ignore or fears to recognize."

If the Senate joins the House in approving the Hyde amendment, this Congress, like the Court in 1977, will be guilty of the same failure to acknowledge the harm it will be doing to real people—real women—in the world out there.

American women deserve better than that from their elected representatives in the Congress of the United States.

Some argue that the Hyde amendment is necessary to ensure that taxpayers with moral or religious objections to abortion will not be obliged to subsidize it with their tax dollars. But this rationale is not accepted in connection with other Federal policies to which some citizens are opposed as a matter of conscience. For example, many Quakers oppose war on moral and religious grounds, but when they withhold the portion of their taxes representing their contribution to the military budget, they are prosecuted to the full extent of the law.

Finally, in other contexts, Congress has already agreed that it is appropriate to use Federal funds for abortion. On August 3, the Senate joined the House in approving the Treasury-Post Office Appropriations Act, which permits coverage of abortion in the

health insurance policy that is provided for Federal employees—which is paid for, in part, with Federal tax dollars.

We also spend Federal funds to subsidize abortion through the tax deductions and tax exclusions available for health insurance expenses and medical costs in the private sector. According to 1993 estimates of the staff of the Joint Committee on Taxation, prepared for the House Ways and Means Committee and the Senate Finance Committee, in fiscal year 1994 the United States will spend over \$40 billion in such tax expenditures on health insurance and medical costs, yet there is no prohibition on abortion in any of these provisions.

The sponsors of the Hyde amendment do not challenge these Federal subsidies for abortion, which go overwhelmingly to middle-income and upper-income citizens. The only funding they challenge is for the neediest women in our society. That kind of discrimination is unacceptable. The Senate should not permit it.

I urge the Senate to approve the committee amendment striking the Hyde amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. May I inquire as to how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes and 13 seconds; the Senator from Washington, 13 minutes and 2 seconds.

Mr. SMITH. Mr. President, I assume that the other side has the right to close; is that correct?

The PRESIDING OFFICER. There was no unanimous consent agreement to that effect.

Mr. SMITH. Does the Senator from Washington wish to close the debate?

Mrs. MURRAY. Yes, I would like the right to close debate.

Mr. SMITH. I will yield the remaining time to myself.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I want to start by complimenting all of the speakers on this side. At the risk of singling one out for special consideration, I thought that Senator COATS, in his discussion of the contradiction involved in this issue, put it very well. I wanted briefly to respond to that.

He indicated the comparison or the contrast between this and the premature child, whom we so often see in pictures in hospitals with wires and tubes and masks and hoses, and whatever, all trying desperately to keep that child alive because the parent or parents want that child to live.

I might just say to my colleagues, what is really the difference between that child, who was born prematurely, and the child who was aborted prematurely? I think it is clear that there is no difference, unless we define it in somebody else's terms. But in terms of the child, there is no difference, Mr. President. And I think Senator COATS said that very beautifully.

Senator MIKULSKI also mentioned in debate that she shares my sense of revulsion toward abortions undertaken by sex selection. I was pleased to hear that.

But the problem is that this committee amendment does not stop abortions for the purpose of sex selection. As a matter of fact, it allows them, as we know. So the bottom line is that if we want to stop it, then we have to stop this amendment and leave the Hyde language.

Also, Senators BOXER and FEINSTEIN. I thought, very eloquently discussed the human aspect of this debate and how there is a human face to this debate. I agree.

Mr. President, I have here behind me—I hope that the cameras can now focus on this for a moment or two, while I speak—a human face, who is a victim of the abortion tragedy in this country. Her name is Gianna Jessen. She is an abortion survivor, Mr. President.

I want to read just a few paragraphs from a very inspiring story about this beautiful 14-year-old girl which appeared in a *Fargo, ND*, newspaper in 1991.

Gianna Jessen quibbles with those who describe her as the girl who has no birthday. In fact, she says God put her on Earth against all odds to carry a special message of life.

The 14-year-old girl celebrates her birthday on April 6, the day she says she entered the world as a very ill, 2-pound survivor of a saline abortion.

"A lot of people say I was never born, because I was aborted," said the aspiring recording artist. "But yes, I was born. I arrived. I'm here."

And I hope that the American people will look into the eyes of this beautiful girl.

Indeed, she is here, there and everywhere, an enthusiastic international ambassador for pro-life, despite her cerebral palsy that is attributed to the abortion.

Jessen's medical records show that she was aborted—born—at 6 a.m. April 6, 1977, at 29 weeks' gestation in an abortion clinic. A clinic worker reportedly rescued her and spirited her to a hospital, where she remained for three and a half months as she fought to overcome her critical condition.

"I believe God spared my life," Jessen said during an interview. "He worked a complete miracle. I don't believe I could have come into the world without him. Somebody was trying to kill me, and he (God) worked."

Gianna, you know you are right. And if you want to put a human face to this debate, there it is, Mr. President.

Let me also say I find it interesting that some of the comments attributed



in this debate seem to make this a man-versus-woman issue, or a woman-versus-child issue. I regret that because there are very, very prominent women throughout America—throughout the world—who are pro-life. We all know that. They know that on the other side of the debate. Susan B. Anthony had this to say about abortion. She said it was "child murder."

Another leading 19th century feminist leader, Elizabeth Cady Stanton, said this:

When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.

Stanton equated abortion with infanticide, calling it infanticide.

Finally, the founder of Planned Parenthood, Margaret Sanger, said that "abortion [is] the wrong way—no matter how early it's [is] performed it [is] the taking a life." She lamented the resort of poor people to "the most barbaric method of family limitation, namely the killing of babies—infanticide—abortion."

I might also say in the House vote there were 11 Members of the U.S. House of Representatives, women, about 25 percent of the women in the House, who voted for the Hyde amendment. I ask unanimous consent that list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

WOMEN WHO VOTED FOR THE HYDE  
AMENDMENT IN THE HOUSE

1. Helen Delich Bentley (Republican of Maryland, 2nd).
2. Jennifer Dunn (Republican of Washington, 8th).
3. Pat Danner (Democrat of Missouri, 6th).
4. Tillie Fowler (Republican of Florida, 4th).
5. Marcy Kaptur (Democrat of Ohio, 9th).
6. Ileana Ros-Lehtinen (Republican of Florida, 18th).
7. Marilyn Lloyd (Democrat of Tennessee, 4th).
8. Nita Lowey (Democrat of New York, 18th).
9. Deborah Pryce (Republican of Ohio, 15th).
10. Karen Thurman (Democrat of Florida, 5th).
11. Barbara Vucanovich (Republican of Nevada, 2nd).

Mr. SMITH. I also would like to point out the debate on this issue is emotional. We have tried, I think fairly successfully today, to contain the emotion and try to stay on the facts. I think it is important to note there are some very prominent people around who have changed their opinions on this issue, which is interesting. I would like to read an open letter to Congress, which was written in 1977. It says:

As a matter of conscience I must oppose the use of Federal funds for a policy of killing infants. The money would much better be expended to meet human needs. I am therefore urging that the Hyde amendment be supported in the interest of a more hu-

mane policy and some new directions on issues of caring for the most precious resource we have—our children.

Mr. President, this telegram is signed by the Reverend Jesse L. Jackson, national president, Operation PUSH.

I will also quote from a letter to the Washington Post, a letter to the editor July 15, 1992. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INFANTS IN THE WOMB

I thought for sure I was missing something. I had read the Supreme Court's latest decision on abortion and the various editorials about it. And I heard what they all had to say about the rights of women and the rights of states. But neither the courts nor the editorial writers said anything about the rights of the infant in the womb. I thought for sure I had missed it.

Then the lawyers told me that this is because unborn children, according to the Supreme Court, are not considered "persons" under our Constitution and, therefore, don't have any rights. This is astounding.

This country has spent its energies and lived its history in defending the defenseless. We have opened our gates to persecuted immigrants. We have penned legislation to care for the handicapped and the elderly. Many of us work hard for the homeless. In short, we as a country clearly recognize that the defenseless are not excluded from the human community simply because they are defenseless.

If we are to keep this great tradition, we cannot exclude infants from the human community just because they are defenseless—the lawyers say "not viable"—inside the womb. The lawyers will no doubt object that infants in the womb are technically not "persons." Let the lawyers argue all they want. Down deep we all know better.

Many compassionate people believe even animals have some rights simply because they are alive. Abortions—the more than 150,000 second- and third-trimester abortions performed annually—are frequently far more gruesome and tortuous than even the worst treatment of animals. This is beneath us as Americans and as human beings. All infants are members of the human community and are entitled to its care and protection.

That is why we spend so much time and money on prenatal care. It is why we operate in utero on even second-trimester unborn infants to correct some birth defects. We even provide intensive care for newborns who are no larger or more mature than some second- and third-trimester infants whom we abort. Down deep we all know infants in the womb are, at the least, living beings and members of the species *Homo sapiens*. That is more than enough to entitle them to protection of the human community.

The best solution to the abortion question is to eliminate the need for abortion. Until this goal can be achieved we must support legislation that discourages abortion, especially late-term abortions. The Supreme Court has affirmed in *Gonzales v. Planned Parenthood* the right of the state to impose some restrictions on abortions.

Now it becomes our responsibility to protect the unborn infant by working for the passage in each state of legislation that will reduce the number of second- and third-trimester abortions performed each year.

We cannot be satisfied as Americans or as human beings with laws that exclude unborn

infants from the human community and deny them any rights. We must also work to guarantee all mothers their full dignity and provide them with opportunities and resources to help them carry their infants to term and to assist them with the care of their children when born.

EUNICE KENNEDY SHRIVER.

WASHINGTON.

Mr. SMITH. Listen to this, Mr. President. This was Eunice Kennedy Shriver who made this statement. She said:

That is why we spend so much time and money on prenatal care. It is why we operate in utero, even on second-trimester unborn infants, to correct birth defects. We even provide intensive care for newborns who are no larger or more mature than the second and third trimester infants whom we abort. Down deep we all know infants in the womb are, at the least, living human beings and members of the species *Homo sapiens*. That is more than enough to entitle them to the protection of the human community.

It cannot be said any more beautifully than that, Mr. President, from Eunice Kennedy Shriver.

Now, Mr. President, I want to share with my colleagues a very moving letter. It is addressed to Mr. Thomas E. Denny, of Great Neck, NY, and is dated August 3, 1971. It reads as follows:

DEAR MR. DENNELLY: I appreciate your letter containing your views on abortion. There are many moral and legal aspects arising from this complex issue which is gaining the acceptance of large numbers of women faced with unwanted pregnancies, while disturbing the consciences of a great many other Americans.

Opponents maintain that abortion is wrong from every theological, moral and medical aspect. Proponents are firmly convinced that the woman, alone, has the right to decide.

While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted, I believe that human life, even at its earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old.

On the question of the individual's freedom of choice there are easily available birth control methods and information which women can employ to prevent or postpone pregnancy. But once life has begun, no matter at what stage of growth, it is my belief that termination should not be decided merely by desire.

I share the confidence of those who feel that America is willing to care for its unwanted as well as wanted children, protecting particularly those who cannot protect themselves. I also share the opinions of those who do not accept abortion as a response to our society's problems—an inadequate welfare system, unsatisfactory job training programs, and insufficient financial support for all its citizens.

When history looks back to this era it should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family, and to fulfill its responsibility to its children from the very moment of conception.

Mr. President, that eloquent, deeply moving letter was written on the stationery of the U.S. Senate. It is signed

"EDWARD M. KENNEDY." I could not have said it better myself.

I have another letter, Mr. President, that I want to share with my colleagues. It is dated May 26, 1987, and is addressed to a couple in Dayton, TN. In relevant part, it reads as follows:

During my 11 years in Congress, I have consistently opposed federal funding of abortions. In my opinion, it is wrong to spend federal funds for what is arguably the taking of a human life. Let me assure you that I share your belief that innocent human life must be protected, and I am committed to furthering this goal.

That well-reasoned letter is signed by then U.S. Senator AL GORE, of Tennessee, currently the Vice President of the United States—and a supporter of the President's position, I assume.

Let me also say in the instructions from the U.S. Senate Democratic Policy Committee, which is a staff preparation which we get on both sides—this happens to be the Democrat position.

Major issue. Here is the "con":

Unrestricted abortion funding means taxpayers will be paying for 400,000 abortions next year, at a cost of \$100 million. Until the Supreme Court cut off abortion funding, taxpayers were buying 300,000 abortions annually. By contrast the Hyde amendment had limited tax-paid abortions to 89 last year.

That is the instructions to our Democrat colleagues. I hope they will hear it.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator has 4 minutes 28 seconds.

Mr. SMITH. Madam President, I would like to just, in the interests of trying to put this matter to as serious consideration as possible, knowing most people have made up their minds but hoping there may be three or four who are listening and are undecided, let me remind even those who are opposed to my position on this issue—whom I respect; this is a deliberative body and I respect the rights of others to disagree—but each one of you, every one of you, was an unborn child at one time. I was. Of course, on our side we were, and so were you.

Is it not interesting that if your mother had not made the decision for life, you would not be here today to participate in this debate. That is really the issue. That is the issue. This is human life we are talking about. The Hyde amendment protects that life. It gives exceptions in the case of rape and incest and the life of the mother. As Senator HATFIELD so eloquently said, some of us would prefer in the case of rape and incest even, when there is an innocent life, we not include that. But in order to save lives, we have agreed and the House of Representatives has agreed overwhelmingly. This is a fair, reasonable compromise. It is a fair, reasonable amendment. It will save hundreds of thousands of American lives.

Madam President, I urge we defeat the committee amendment and I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? Senator MURRAY.

Mrs. MURRAY. I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. FEINGOLD. Madam President, I rise in opposition to any attempt to prohibit Federal funding for abortion services. Before 1977, abortion services were covered under Medicaid, such as any other surgical procedure. However, every year since that time Congress has placed restrictions on abortion coverage and for the last 12 years Medicaid coverage has been permitted only to save the life of the mother.

I think this prohibition thwarts the very purpose of the Medicaid Program. Medicaid was enacted in 1965 with two major objectives in mind: To help low-income individuals access medical services and to thereby help them attain or retain capability for independence or self care.

Instead of striving for these goals, we are faced with yet another attempt to erect barriers to a legal health service for one of the most vulnerable groups of citizens—women with little income who are faced with an unintended pregnancy. I am distressed by the lack of compassion this policy shows. By forcing poor women into waiting while trying to obtain needed funds, they often face later and often more dangerous procedures.

It is a vicious cycle, as a second trimester abortion is even then more expensive and more out of reach.

Madam President, there is one statistic that I find particularly compelling in this case. The average cost of an early out-patient abortion is \$250. This is actually higher than the maximum monthly AFDC payment for a family of three in eight States.

What is an impoverished woman to do when faced with this situation? Turn to an illegal, back-alley doctor? What is an HIV-positive woman who cannot even afford her medication to do? Carry to term a child that will likely be infected with AIDS and live a brief, painful existence? And what is a poor preteen girl who is the victim of incest to do? Bring another child into her own abusive situation? It is a sad truth that these tragedies occur.

Madam President, we have made great strides in eliminating inequality in the treatment of individual rights in this century, but without full coverage of abortion services for women who depend on the Federal Government for their health care, we are creating a

two-tiered system that will further trap women in the poverty spiral.

Access to legal health services should not be dependent on wealth or education, nor should it depend upon the State in which one happens to live. Because 13 States are responsible enough to use their own funds to provide this coverage but 37 do not, this is actually a reality in the United States.

Earlier this year, I was proud to cast my vote to once again provide coverage of abortion services to Federal employees. That, I hoped, was an important turning point, a recognition that the right to choose should be a right to choose for all women. Now we face this challenge.

Madam President, I hope my colleagues will join me in removing another barrier to health care and vote yes on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes, 20 seconds.

Mrs. MURRAY. I thank the Chair.

I thank the Senator from Wisconsin and all Senators who have come to the floor to speak so eloquently today for women, for women's rights to choose, and for the ability of all women in this Nation to have that constitutional right.

I could not help but notice that the five women Democratic Senators who today came to speak, spoke from their hearts and really showed to us the faces in this debate which are not the faces of middle-class or upper income women but faces of lower income women who face horrendous situations that probably no one on this floor has ever faced personally.

I believe that the women of this Senate, Democratic women, are uniquely qualified to speak to this debate. So often on this floor I hear my fellow Senators say, well, I own a business so I know how to speak to business issues or I own a farm so I know how to speak to agricultural issues. I think that women's voices today are the ones that really understand the issue of choice. This has been a very emotional debate and I understand that. It is an emotional issue for all of us.

Oftentimes, I hear our opponents speak, and I worry because it makes it sound like every woman in this Nation wants an abortion. Madam President, that is not what we are asking. We are not asking to have an abortion. We are asking for the ability for every woman to make that choice on their own. If I had to make the choice, I would probably not choose to have an abortion, but it is not my right to tell any other woman in this Nation whether or not she should have an abortion because I do not live in those women's shoes. I do not understand the circumstances in which they live.



Those women ought to have the right, as every woman in this Nation has, to make that decision for themselves and about themselves.

I listened to the rhetoric in this Chamber today, and I have to remind all of my colleagues the issue before us today is not about the right to have an abortion. It is about the right of all women, rich or poor, to have an abortion.

Twenty years ago, when I was in college, abortion was not legal in this Nation, yet rich women still had the ability and the opportunity to have an abortion. They went abroad. They were able to find a doctor that they could afford. Women who were not wealthy could not have an abortion.

That has not changed. It remains the same in this Nation despite all of the legal challenges that have been won. It appears to me, Madam President, that in this Nation today if you are a wealthy woman, you make your choice without Government intervention. But if you are a poor woman in this Nation today, the Government chooses whether or not you have an abortion.

Madam President, today is a very special day in my home; it is my daughter's 14th birthday. I listened to Senator RIEGLE announce this morning that he was not going to run for another term, that he had to balance the demands of the Senate life with his family and he chose to not run again next year. I understand that.

I quickly dropped off my daughter at school today, and I realized that on her 14th birthday I will be here late tonight debating amendments and will probably not have dinner with her, which is what I would choose to do.

But I do believe that one of the best gifts I can give my 14-year old daughter on her birthday today is a country that she can grow up in that allows the same constitutional right for all women, regardless of their money, regardless of their status, regardless of their family background. I wish to give my daughter a country where she truly will have the ability to make all choices in her own life without Government intervention, a country that in 1993 has the courage to say all women will be treated equally.

Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask of the Senate to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I wish to join with the comments of my esteemed colleague, the Senator from Washington, and associate myself with her remarks. I, too, have a child whose birthday is today. My child is 17 years old. However, my child is a boy. But I, nevertheless, fully agree with the com-

ments of the Senator from Washington. I think that the lives of both men and women in this country are richly enhanced if the positions that the Senator from Washington articulates are adopted. This is not a matter specifically for women; it is also very much a matter for men, and I very much commend the Senator from Washington for her remarks.

#### CHAPTER 2 OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Madam President, today I rise to discuss the second chapter of Ross Perot's book entitled "Save Your Job, Save Your Country."

Yesterday, I discussed chapter 1 entitled "Outtraded Again." That chapter is full of misleading comparisons, facts taken violently out of context, and references to problems like drug trafficking and runaway plants which exist today and will continue to exist regardless of whether NAFTA passes. But that chapter is a gold mine of relevant facts and useful information compared with Chapter 2.

The main thing to remember about chapter 2 is that it cites no problems NAFTA may actually cause except for a very peculiar complaint about one industry, which I will get to later. Instead, the chapter deals only with the negotiating process.

Now, you might ask, why talk about the negotiating process? What does that have to do with NAFTA? Why not talk about what NAFTA does? Is that not what really is important?

Madam President, you would be right to ask those questions, and I do not know the answers. My guess is because without chapter 2 the book would fall below 100 pages, and that means it would be hard to call it a book.

But let us take a look at chapter 2. Mr. Perot begins chapter 2 by saying it was a bad idea for Congress to allow NAFTA to be negotiated under fast track. Under fast track, of course, Congress authorizes the administration to negotiate a trade agreement and it agrees to vote "yes" or "no" on the completed agreement within 90 legislative days.

I happen to disagree with Ross Perot. I think the case for fast track, in fact, is very good. In fact, I do not believe NAFTA could have been negotiated, or any trade agreement could have been negotiated—any trade agreement—without it. The big majority of Congress then, when fast track was adopted, and now, agree.

I was in the Senate in 1991 when we debated the fast track resolution for NAFTA, and we debated that at excruciating length in committee hearings, in markup, and in this Chamber. Most of us were here. Does anybody remember seeing Ross Perot?

Where was he? I do not remember seeing Ross Perot involved in that de-

bate. The fast-track debate was debated fully in public, was voted on in public, and if he did not show up, then he should not make comments on fast track. I have a hard time seeing how he has a right today to yelp about that process.

Second, in chapter 2 he charges that President Bush chose many business leaders as advisers for the talks. This is the same man who complained that President Clinton ignored all executives and let "poets, philosophers, and beekeepers" develop energy policy. Mr. Perot was a hard man to satisfy.

Third, in chapter 2 he complains that NAFTA was negotiated "in secrecy." This is a truly ridiculous charge. Of course it was negotiated in secrecy. Would Mr. Perot prefer that we fax our goals and our negotiating strategy to the Mexicans and the Canadians, fax our fallback positions, fax our bottom lines, go to the public and newspapers, announce them in press conferences? Of course not. No good negotiator publishes his strategy to the other side.

This chapter goes on for a few more pages. Most of it is taken up by irrelevant comments about the Bush administration's policy toward Turkey during the gulf war and the fact that the Bush administration did not release the NAFTA text until last January despite resounding success in August.

Whatever your thoughts are about the Bush administration, this debate should be about the substance of NAFTA. The text has now been public for months. If side agreements are out, it is now the Clinton administration's NAFTA, not the Bush administration's. In short the matter is moot.

The one part of chapter 2 that does actually bear on NAFTA's actual effects is the passage dealing with the broom industry. This sinister tale explains how Mexico brought the leading Mexican corn broom manufacturer in the country. Meanwhile, the American side kept our leading broom executive in the dark. U.S. negotiators—amateurs at best—went into a back room with the ruthless Mexicans and their industrial mastermind, the Mexican broom king.

Well, what happened in that back room? According to Mr. Perot, Mexico scored a major victory that will cause the U.S. broom industry to disappear. Why? Because after NAFTA passes, Mexican broom companies will join the Caribbean Basin Initiative countries and the Andean nations in exporting brooms to the United States duty free. Believe it or not, we will have free trade in brooms. The broom industry may have legitimate concerns about the negotiating process but free trade in brooms is hardly a shocking thing to find in a trade agreement.

Under the agreement, Mexico will export brooms duty free to the United States. Under the agreement, we Americans will export brooms duty free to

Mexico. Consumers will benefit. That is one of the benefits of free trade.

Opening the Mexican market means we will have to open ours. It means both countries will export more and both nations will prosper. Of course, already our market is largely open, which reminds ourselves that our barriers to trade with Mexico are virtually nonexistent. They are very low, whereas currently Mexican trade of United States products to Mexico is very high, and yet under NAFTA they are phased out. That means we again benefit.

A full 30 percent of Mexico's exports already comes to the United States duty free. Our average tariff on Mexican exports is only 4 percent. Meanwhile, Mexico's average tariff on our goods is 10 percent. Again, NAFTA eliminates both. That is a good deal for the United States.

Now there are some who say that this NAFTA—one which cuts Mexican tariffs, eliminates Mexican investment restrictions, allows us to impose trade sanctions, is a last resort to ensure compliance with labor environmental standards—is not good enough. They say we should have a common market instead, and Perot hints at this toward the end of his book.

Backers of a common market however should think very long and hard about this idea. Why is that? Three reasons: First, a common market like the European Community has totally free movement of labor. What does that mean? That means a Spanish citizen, for example, in Madrid can get on a train, go to Paris, London, anywhere in the Common Market, find work on a visa, without a permit, no hindrances, no restrictions, get off the train, walk to the plant, and apply. I do not think that we Americans would like that to apply in this continent now.

In addition, the European Common Market has coordinated tax and health policies. It has a unified value added tax throughout Europe. It is true that different countries impose slightly different rates. Nevertheless, there is a unified tax system in the Common Market. I do not think that the Americans who talk about a common market in North America want a unified Mexican-American-Canadian tax system. I strongly doubt that.

In addition, some of those who propose a common market say, well, a common market waited a few years to bring Portugal or Spain up to standards. What they do not tell you is in bringing Spain and Portugal up to standards the rest of the community gave \$10 billion grants to Spain and Portugal. I doubt very seriously that the United States public, the American taxpayers, would want to give \$10 billion to Mexico to bring Mexico up to standards.

Supporters of the Common Market therefore in my view have not really thought through the full implications

of what they say, and if we negotiate an agreement that created such a market, I think it would create such an uproar that the present concern about NAFTA would pale in comparison to the uproar that it would create.

There is not much more to say about chapter 2. It is fun to read, unlike some of the other chapters, but nothing in it gives any reason to vote "no" on NAFTA. Stay tuned tomorrow, Madam President, for chapter 3.

Madam President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, the Senate, at 1:26 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MOSELEY-BRAUN].

#### DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 19

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes for debate on the committee amendment on page 19 of the bill. The time is to be equally divided and controlled by Senators KENNEDY and NICKLES.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, as I understand it, we have 10 minutes on our side?

The PRESIDING OFFICER. Yes, 10 minutes remain on both sides.

Mr. KENNEDY. I yield myself 4 minutes.

Madam President, as has been pointed out in the debate on this issue yesterday, this is not a new issue before the U.S. Senate. I am hopeful that we will resolve it in a way that we have in the past.

I want to point out, Madam President, some really important authoritative statements and comments that have been made about this whole subject matter by individuals who have broad and wide experience in this whole area of construction, construction skills, and apprenticeship programs.

I particularly want to point out for the record that the notion that using untrained, low-wage helpers to construct our public works and public buildings will result in substantial cost savings for the Federal Government has been examined and categorically

rejected by one of the leading construction economists in the country, John Dunlop, a former Secretary of Labor under President Ford, a Republican.

Let me quote from what Dr. Dunlop had said about various studies that purport to show that the new helper regulations will save the Government money.

The authors of these studies have simply taken the current wage rates and subtracted from them the alleged savings to be gained by paying lower rates to the helpers who will replace the laborers and journeymen. But, as Dr. Dunlop has stated, that methodology is "totally unsupportable" from an economist's point of view and "proves nothing."

In the real world, helpers are used in a system which requires more supervisors and uses less journeymen than the system that does not use the helpers. While \*\*\* wage costs may be lower, labor costs may be higher because of the greater cost of supervision. Also, increased use of helpers quite frequently leads to lower productivity of workers or inferior products. \*\*\* There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower costs to the public \*\*\*.

And then, Madam President, the argument has been made by proponents of the helper regulations that they are going to help to ensure jobs for women and other minority groups. In fact, substantial percentage of the work force that would be displaced if these regulations were implemented is already composed of women and minorities. In 1989, 40 percent of all the laborers trained by the Laborers/Associated General Contractors Educational Training Fund were women or members of minority groups. If the new helper regulations are implemented, these are the people who will either lose their jobs or be forced to accept the low-wage helper jobs, losing access not only to training but to the opportunity for advancement that goes along with it.

Madam President, I also just want to mention the types of wages that workers are required to be paid under Davis-Bacon. The Senator from Oklahoma has made reference to the supposedly exorbitant rates that have to be paid to workers on public housing rehabilitation project in Tulsa, OK. Well, I have here a copy of the wage determination issued by the Department of Labor that specifies the prevailing wage rates for workers employed on residential construction and rehabilitation projects in Tulsa. It says that bricklayers must be paid at least \$8.93 an hour. No fringe benefits. The average workers in construction work 1,500 hours a year, so that comes to about \$13,000 a year. The rate for carpenters is \$6.58 an hour, so that is \$9,870 per year. Masons get \$6.80 per hour, or \$10,200 per year. These are hardworking



men and women in the construction industry that are trying to provide for their families.

These are not individuals who are trying to impose an indefensible kind of expense on the Federal taxpayer. These individuals have special skills in the construction industry and are trying to provide quality work at competitive prices, while earning enough to support their families.

So, Madam President, I feel for these reasons, those illustrated in the debate yesterday, and for all the reasons that have been very clearly outlined in previous debates on this issue that the Senate should vote as it has in the past on this issue. The new administration has indicated they want to review these regulations closely and make their own policy decision about how to proceed. It does seem to me with a new administration, they are entitled to that kind of consideration.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma controls 10 minutes.

Who yields time?

Mr. NICKLES. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Madam President, I thank the colleague from Oklahoma for yielding.

I am pleased to join the Senator in an amendment to strike section 104 of this legislation. There are a variety of reasons why, in our opinion, the committee should not have moved in the fashion it did, inconsistent with the actions of the House in dealing with this very important issue.

My colleague from Massachusetts has researched the importance of the workforce and the quality of work done, and I have no disagreement with him on that issue. It is not an issue of quality, it is an issue of access; and that becomes very important at a time when we are stretched with our budgets and we are working overtime to support an administration in their reinventing of Government.

So it is not a question of quality, it is a question of access. And in allowing minorities and those who are impoverished and seeking to find a place in the workforce from which they can gain a skill and become a marketable worker does this provision really begin to take hold.

It is a provision that represents a \$600 million savings on an annual basis to our budget, or nearly a \$3 billion savings over the next five years. And that is a real legitimate question on the issue of reinventing Government.

Beyond all these arguments is a more profound argument. As we have discussed Davis-Bacon over the years, the courts have consistently ruled that

this effort is, in fact, consistent with Davis-Bacon, and that was a circuit court in the District of Columbia that has consistently ruled that. And they, in fact, ruled during the Bush administration, that the Bush administration—not this one—was too lenient in its regulations and needed to be more flexible in providing the helper provision to this important part of labor law.

That is really what is at issue here. It is an issue of the wise expenditure of money. It is an issue of access. It is an issue of opportunity to provide an experience in the workplace at a reasonable salary rate so that a person can learn and ultimately become a journeyman in the trades profession to be employed at an even higher wage rate.

That is the opportunity in this country, and I would suggest today that to support the committee and not to support the Craig-Nickles or Nickles-Craig amendment would, in fact, be an effort to deny that kind of opportunity and experience. It would certainly deny the wise and responsible use of the Federal tax dollar. It would certainly deny a reasonable relationship with this administration in the issue of reinventing Government. And it would fly in the face of court decision after court decision that our actions in the past to expand this opportunity by the use of helpers was inconsistent with Davis-Bacon.

It is not, and they have so ruled. And it was not the conservative courts of Oklahoma or the conservative courts of Idaho. It was the courts of the District of Columbia.

What are the issues here? I have covered them: The wise use of our dollars; and the increased access and opportunity for minorities and poor to enter our work force and gain a talent and gain a skill to become more marketable, to allow themselves the kind of upward mobility that all of us would seek for our fellow persons in this country. That is the wise expenditure of Federal dollars, not to set the highest and not to seek the highest in one jump, but to allow entry opportunity. That is what a repeal of section 104 of this particular legislation does.

It is a chance for this Senate to speak to the issue of wise expenditure of money while at the same time recognizing the importance of current labor law while gaining flexibility for that labor law.

I believe those are the fundamental issues here that really bring this vote to bear, and I hope that my colleagues will support us in repeal of section 104 of this particular act.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. Five minutes, twenty seconds.

Mr. NICKLES. How much on the other side?

The PRESIDING OFFICER. Five minutes, thirty-five seconds.

Mr. NICKLES. Madam President, I wish to thank my friend and colleague, Senator CRAIG from Idaho, for his statement, not only today but yesterday.

I yield to Senator DOLE.

Mr. DOLE. Madam President, I want to take a few moments to express my support for the amendment offered by my distinguished colleagues, Senator NICKLES and Senator CRAIG. This amendment strikes section 104 of the pending labor, HHS appropriations bill, which would prohibit the Secretary of Labor from implementing the final Davis-Bacon helper regulations.

Madam President, these regulations have been in the works for some time now. In a nutshell, they would allow those Federal contractors subject to the Davis-Bacon Act to hire helpers or semiskilled workers at less than the journey-level wage. The regulations were first published by the Department of Labor in 1982. All subsequent court challenges to them have failed. In fact, I cannot imagine a set of regulations that have been more carefully scrutinized.

Implementation of the helper regulations is crucial for a number of reasons. Most important, they will create jobs. According to one estimate, if the regulations were fully implemented, nearly 250,000 new jobs would be created.

The helper regulations also provide important opportunities for those who have been traditionally shut out of the construction business. As Samuel Carradine, the executive director of the National Association of Minority Contractors, explained to me in a recent letter:

The helper classification serves as an entrance into the industry for groups not traditionally prevalent in construction—such as minorities and women. The helper classification serves as a strong stepping stone for those who are interested in pursuing a career in construction. Without the helper regulations, all workers, regardless of task, must be paid the journey-level wage on Davis-Bacon work. This effectively precludes groups who have not been previously trained in construction from having the opportunity to work on Federal construction contracts. It also serves as a serious disadvantage for minority-owned and small construction firms, who frequently utilize helpers in private work, in bidding for Federal projects.

Not only will the helper regulations create thousands of new jobs and open up employment opportunities for women and minorities, they will also save money for the taxpayers. In 1992, the Congressional Budget Office estimated that the employment of semiskilled workers would save the Federal Government \$600 million annually, a very large sum of money even by Washington standards.

I might add that the helper regulations have been carefully crafted so that they are limited in their application.

For example, the employment of helpers is permitted only when their use is the prevailing practice in an area. The regulations also place limitations on the ratio of helpers to journeymen.

So, Madam President, I urge all my colleagues—Democrat and Republican—to vote for the Nickles-Craig amendment, which would allow the helper regulations to go into effect. Although I would like to repeal the anachronistic Davis-Bacon Act entirely, the new helper rules are a step in the right direction. They will create jobs. They will save millions of dollars in taxpayer money. And they are sound public policy. The Nickles-Craig amendment deserves the Senate's support.

Mr. NICKLES. Madam President, I would like to inform my colleagues, we are going to have the vote probably in 10 minutes, at about 2:35, first on this amendment, which I will explain; and then, following that, there will be a vote on the Hyde language on this appropriations bill. So all colleagues should be aware of the fact there will be a rollcall vote commencing in about 10 minutes.

Madam President, actually there is not an amendment by Senator NICKLES or Senator CRAIG, but what there is a vote on is the committee amendment, which is section 104, and we believe we should vote against this committee amendment.

The committee amendment, section 104, would deny any funds for the Department of Labor to implement so-called helper regulations. These regulations have been worked on for over a decade. They have been supported by the court of appeals and the district court, as well as affirmed by the Supreme Court. They are consistent with current statute.

So this is not an effort to repeal Davis-Bacon, or anything of the sort. This is an attempt to allow these regulations to go forth so we can use helpers in construction projects.

It just so happens that the facts are that helpers are used in 75 percent of the construction projects in the private sector. In other words, the great majority of private-sector construction projects use helpers. The Federal Government, because of this language, is saying: No; you cannot use them on Federal construction.

What does that mean? It means you are going to be paying journeyman rates even for unskilled labor classifications; that is, if you are building a dam, there are some jobs involved in building that dam that probably involve using a wheelbarrow and shovel. It does not require a great deal of skill.

What we are saying is, we should allow helpers in these classifications.

Not only that, but the helpers have a tendency, if they work in such a capacity, to learn journeyman trades and skills.

I will give a couple of examples.

Our friend from Massachusetts was kind enough to mention what bricklayers might make in Tulsa. I found out public housing units in Tulsa, OK, were in despicable condition. The unemployed who lived in the units could not work to rehab them or maintain them. I find that outlandish situation was because of the law. If we allow helpers, frankly, they would be able to work on those units.

So I come at this from two directions. One is financial. The Congressional Budget Office says that we can save \$600 million per year if we allow the use of helpers. That is the law.

The Senator from Iowa and the committee amendment will not allow us to use helpers. That will cost \$600 million per year, over \$3 billion over a 5-year period of time.

So I come out from a financial standpoint: We are wasting taxpayers' dollars. But even more importantly, and I hope the Chair will agree, I want to provide economic opportunity for minorities and other people who are shut out of the system, who will not be hired at journeyman rates.

Many, many people find themselves unemployed. They want to work in construction, but right now there is a law that says: No; you cannot work on this project unless you make \$25 an hour in L.A. County. The unemployed worker in Watts is not going to be able to get a job. So he is going to watch people rebuild this riot-torn area, but he is not going to be able to get a job because the contractor is not going to pay him \$25 an hour to sweep the floor or to clean up, or to do a lot of other what I am going to call routine or semiskilled jobs. They are prohibited by law from paying less than \$25 an hour.

So what the contractor is going to do is he is going to hire journeymen and bring them in from outside. They are going to be predominantly white or nonminority.

So those minority persons are going to be sitting there, still unemployed, watching someone else come in and fix their apartment or unit, or build their building. They are not going to have sweat equity in it. They are not going to have any work involved in working to rehab that unit.

I think that is an outrage. This law was discriminatory when passed. That was one of the reasons that it did pass in 1931. Allowing the use of helpers—which is now current law, unless the Senator from Iowa is successful—will enable people to climb that economic ladder. I think we should give them a chance. We should save taxpayers' money.

I hope my colleagues will vote against the committee amendment and

give people all across this country a chance to work in Federal construction.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

Mr. KENNEDY. I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, first of all, let me say, if you want to enable minorities and low-income people to climb the ladder, then you want to have a good apprenticeship program where they could go to work on a job and learn a trade and a skill and climb up that apprenticeship ladder so they can become a journeyman.

We have had these apprenticeship programs since 1937. Thirty States have these apprenticeship programs with management and labor. If they have not operated well in the past, it is because we have had discrimination in the past. A lot of minorities have been kept out of the trades. But we have washed that behind us. We now have a new era where minorities can now get in those apprenticeship programs and become journeymen.

Madam President, here is a resolution passed by the NAACP just this summer saying that the NAACP supports the Davis-Bacon Act and takes steps to strengthen its enforcement and supports the creation of opportunities through training and apprenticeship programs. It did not say through helper programs, because they know what a helper program is. That is a subclass of workers, low paid, with no hope of ever climbing that apprenticeship ladder. That is why the NAACP took their action to support the Davis-Bacon Act.

Last, Madam President, I heard a lot of talk from my friend from Idaho about the courts. But I want to make it clear that what the courts said was basically that the Department has broad regulatory powers. It can regulate just about anything it wants to regulate. The issue is what is the law? What is the policy? That is for us to decide here. And we have decided it twice, once in 1991 and again last year on September 15, 1992, in the same amendment by the same Senator from Oklahoma. The Senate spoke 58 to 37, and turned down the Senator's amendment.

So, if the Senate, again, wants to continue to have at least a 1-year moratorium—that is what this is, a 1-year moratorium—on helper regs so the Department and the administration can carve out what its policy is, if you want to give them that 1-year moratorium, then we must defeat the amendment of the Senator from Oklahoma.

As I said, it was defeated last year, 58 to 37.

Mr. KENNEDY. How much time do we have, Madam President?

The PRESIDING OFFICER. The Senator from Massachusetts controls 3 minutes.



Mr. KENNEDY. Thank you.

Madam President, I think the Senator from Iowa has stated the case well, both today and yesterday.

Just to underscore the point that he has just made, I'd like to quote again, so everyone in this body understands, Prof. John Dunlop of Harvard, who worked in Republican administrations and was Secretary of Labor in the Ford administration, and who is probably the preeminent labor economist in this country. He states:

I strongly disagree with the conclusion that allowing contractors to employ the helper classification throughout the entire construction industry will enhance work opportunities for minorities or women. To the contrary, the increased use of helpers will mean that minorities and women who have gained higher wages and access to fringe benefits such as pension and health programs will experience immediate loss of employment, displaced by helpers who will have no access to training programs or fringe benefit programs. Rather than utilize minorities and women as untrained, low wage "helpers", it is my opinion that formal training programs are essential to recruit and train such workers for the construction industry.

Just as the Senator from Iowa has pointed out.

Mr. President, I have difficulty in understanding what the Senator from Oklahoma has against members of the construction industry in his own State—bricklayers, who under Davis-Bacon prevailing wage rates for residential construction in Tulsa make about \$13,500 a year; carpenters, who make \$9,750; cement masons, who make \$10,200; drywall installers, who make \$11,250. These people are the backbone of the construction industry.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. No, not until I finish the point.

These workers are the backbone of the construction industry. What his amendment would do is basically undermine their ability to maintain those wage levels.

What is his objection to the requirement that contractors working on federally funded or assisted residential construction or rehabilitation projects pay the laborers they employ the prevailing wage, which happens to be \$4.72 an hour? What is that, 35 or 40 cents higher than the minimum wage? And the minimum wage has not even been kept up to a level sufficient to ensure that working Americans who want to work 40 hours a week, 52 weeks a year will be able to have a living wage and not be in poverty.

I just cannot understand what it is that he finds so offensive about workers receiving these kinds of wages that he is raising this issue again for the third time in 3 years. He seems to have something against working men and women in this country.

Moreover, the Senator from Oklahoma is simply wrong when he says that workers cannot be employed on

Federal projects except at the journeyman rates. If a worker lacks skills, he or she can be employed as a laborer at a much lower rate. And contractors can also hire apprentices at below journeyman wage rates, provided that the apprentice is in an approved training program.

So, Madam President, I think the committee amendment to impose a 1-year moratorium on implementation of the helper regulations is a well-conceived amendment that is consistent with what we are attempting to do in other areas with the support of the National Association of Manufacturers and others to try to increase the skills of American workers. That is a key element of the President's program, and we are going just the opposite way if we defeat the committee amendment.

Mr. NICKLES. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. Will the Senator yield?

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. KENNEDY. I ask unanimous consent that we be given 2 more minutes, 1 minute for the Senator from Oklahoma and 1 minute to respond.

Mr. NICKLES. Madam President, I thank my friend and colleague. But let me correct him. I think I heard him say the Senator from Oklahoma was against individual members in the construction industry. I would like to say that is blatantly not the case. I happen to be in favor, Madam President, of allowing opportunity for all individuals, so when we have public housing units, all individuals can work there.

It just so happens that this law, in not allowing helpers, is going to deny a lot of minorities, a lot of unemployed individuals, from climbing the economic ladder. Maybe they can do it through an apprenticeship program, but, frankly, the helper program works in 57 percent of the private construction industry and works quite well.

Why in the world should we have a law on the books that says you cannot do work in rehabbing a building unless you are paid journeyman rates and deny somebody the opportunity to begin work? Why would we have a law on the books that says we do not care if you are living in low-income housing and you are unemployed, we do not care that that is the case; we think there is a law that says you have to be paid rates and, therefore, denied that opportunity. I think that is wrong.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KENNEDY. I thought I was going to have a question. Since I did not get a question, I am prepared to yield back. I think we debated that issue. I am prepared to yield back my time.

Mr. DURENBERGER. Madam President, I am casting my vote today in op-

position to the amendment to the Labor-HHS 1994 appropriations bill offered by my friends and colleagues, Senator NICKLES and Senator CRAIG.

If the Department of Labor's helper and apprenticeship regulations are allowed to go into effect, the Associated Builders and Contractors estimates that up to 40 percent of the current Davis-Bacon work force would be replaced with untrained helpers.

Contractors bidding for new construction contracts will be free to substitute lower paid, inexperienced helpers for experienced workers.

Trained journeymen and laborers will simply lose their jobs.

Contractors will be allowed to hire helpers and never enroll them in a certified training program.

This practice would not only reduce the quality of Federal construction, but would make Federal projects less safe for both workers and the public alike.

My colleagues' amendment is well-intentioned. They have eloquently stated their belief here today that the helper regulations would provide a stepping stone for non-college-bound youth, minorities and women to advance in the construction industry.

The second reason I am voting against this amendment, however, is that I believe there are much better ways to address the concerns of my colleagues.

We can do more to attract and encourage non-college-bound youth groups to participate in certified training and apprenticeship programs.

Take a look at the Simon-Durenberger School to Work Opportunities Act, which will help students prepare for the transition from school to meaningful work opportunities and which both Labor Secretary Reich and Education Secretary Reilly testified in support of this afternoon.

Without the proper training and supervision guaranteed by current apprenticeship programs, construction helpers who get in on the ground floor may find themselves stuck there. Without proper training, they are certain to keep these dead-end, low-paying jobs.

In my estimation, our primary aim should be to create a well-trained, highly skilled, and highly qualified work force. The Department of Labor's helper regulations do not promote that goal.

VOTE ON COMMITTEE AMENDMENT ON PAGE 19,  
LINES 12-15

The PRESIDING OFFICER. All time has expired on the amendment. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 289 Leg.]

# YEAS—60

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Hatfield	Packwood
Bryan	Hefflin	Pell
Bumpers	Hollings	Reid
Byrd	Inouye	Riegle
Campbell	Johnston	Robb
Conrad	Kennedy	Rockefeller
D'Amato	Kerrey	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Kohl	Shelby
Dodd	Lautenberg	Simon
Dorgan	Leahy	Specter
Durenberger	Levin	Stevens
Egon	Lieberman	Wellstone
Feingold	Mathews	Wofford

# NAYS—39

Bennett	Domenici	Mack
Bond	Faircloth	McCaIn
Boren	Gramm	McConnell
Brown	Grassley	Murkowski
Burns	Gregg	Nickles
Chafee	Hatch	Nunn
Coats	Helms	Pressler
Cochran	Hutchison	Roth
Cohen	Jeffords	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Thurmond
Danforth	Lott	Wallop
Dole	Lugar	Warner

# NOT VOTING—1

Pryor

So the committee amendment on page 19, lines 12-15 was agreed to.

## COMMITTEE AMENDMENT ON PAGE 74

Mr. GORTON. Madam President, I join my colleague from New Hampshire in his effort to restore the House of Representatives language restricting federally funded abortions except for cases of rape, incest, or endangerment of the life of the mother. I have always supported a woman's right to choose an abortion, but I believe that it is unreasonable to ask Federal taxpayers who disagree to finance, contribute, or in any way subsidize the procedure. This policy respects the diversity of deeply held views of American taxpayers and represents the mainstream of American thinking on this contentious issue and therefore has my support.

Some have tried to cast this vote as an indication of the potential for abortion to be included in a Federal health benefit package under health care reform. I disagree and believe it would be unfortunate and irresponsible if advocates on either side used this vote to try to undermine meaningful health care reform which this country needs.

Mr. LAUTENBERG. Madam President, I rise in support of lifting the restrictions in the Hyde amendment. Last week, the President called on the Congress to provide comprehensive health care to all Americans, regardless of occupational status or income. This notion was embraced by the American people as well as by Members of Congress on both sides of the aisle.

Today, we can take one of the first steps in assuring that this will happen.

Today, we seek to end the discrimination against women who rely on Government programs to receive comprehensive health care services.

Madam President, we all know that abortion is a controversial issue in our country. People on both sides of this issue have strong views and I respect each person's opinion.

However, we must realize that abortion is a legal medical procedure. Unfortunately, access to this legal medical procedure varies depending on where you get your health insurance.

If you have money, you probably have private insurance that covers all reproductive health services including abortion. Over 90 percent of all private insurance plans cover abortion services. But if you are on Medicaid, the Government's health plan for the poor, you do not have access to all reproductive health services.

This is not fair. All women should have access to the same health care services. We should not single out one legal medical procedure and say that this is not covered for Medicaid recipients.

Madam President, the State of New Jersey provides comprehensive reproductive health care services to Medicaid recipients, including abortion services. But as my colleagues know, Medicaid is financed by a Federal-State partnership. Typically, the State pays 50 percent of Medicaid bills and the Federal Government pays the other 50 percent. Because of the Hyde amendment, my State has paid 100 percent of the Medicaid costs for abortion services. But not all States do so.

Madam President, it is time to restore equity in our health care system. The Medicaid program originally covered abortion services. Now it is time to restore these services, so that every woman in this country, has the same access to reproductive health care services.

I urge my colleagues to vote to lift the restrictions in the Hyde amendment and provide all American women with equivalent health services.

VOTE ON COMMITTEE AMENDMENT ON PAGE 74,  
LINES 20-25

Mr. HARKIN. Parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. HARKIN. I understand the next vote will occur now. That vote is on the committee amendment on page 74 that struck from the bill the Hyde language on abortion. And is it correct that a yeas vote is a vote to support the committee striking the amendment and a nay vote is opposed to striking the amendment; a nay vote would be in support of the Hyde amendment, a yeas vote would be opposed to it. Is that correct, Madam President?

The PRESIDING OFFICER. I am advised by the Parliamentarian a yeas vote is in support of the committee position.

Mr. HARKIN. And in support of striking the Hyde language?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 74. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

Before announcing the vote, the Chair would remind visitors in the galleries that demonstrations and audible expressions of approval or disapproval are not permitted.

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 290 Leg.]

# YEAS—40

Akaka	Inouye	Moynihan
Baucus	Jeffords	Murray
Boxer	Kennedy	Packwood
Bradley	Kerrey	Pell
Bumpers	Kerry	Riegle
Campbell	Kohl	Robb
Chafee	Lautenberg	Rockefeller
Cohen	Leahy	Sarbanes
Dodd	Levin	Simon
Feingold	Lieberman	Specter
Feinstein	Metzenbaum	Stevens
Glenn	Mikulski	Wellstone
Harkin	Mitchell	
Hollings	Moseley-Braun	

# NAYS—59

Bennett	Domenici	Lugar
Biden	Dorgan	Mack
Bingaman	Durenberger	Mathews
Bond	Exon	McCaIn
Boren	Faircloth	McConnell
Breaux	Ford	Murkowski
Brown	Gorton	Nickles
Bryan	Graham	Nunn
Burns	Gramm	Pressler
Byrd	Grassley	Reid
Coats	Gregg	Roth
Cochran	Hatch	Sasser
Conrad	Hatfield	Shelby
Coverdell	Hefflin	Simpson
Craig	Helms	Smith
D'Amato	Hutchison	Thurmond
Danforth	Johnston	Wallop
Daschle	Kassebaum	Warner
DeConcini	Kempthorne	Wofford
Dole	Lott	

# NOT VOTING—1

Pryor

So the amendment was rejected.

Mr. SMITH. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, we are still on the Labor and Health and Human Services appropriations bill. As far as I know, there are no amendments pending at this time.

Again, I urge Senators who have amendments to bring them to the floor, and we can wrap up this bill very shortly. I know the Senator from Minnesota wanted to engage in a colloquy with me about Parkinson's disease, but



I wanted to make that point, Mr. President, that we are indeed waiting for amendments.

Mr. LAUTENBERG. Mr. President, if the Senator from Iowa will yield for an inquiry. I think the Senator is fully aware of the fact that I have an amendment that will be brought up shortly.

Senator FORD, the majority whip, has asked if we could indulge him with a few minutes to gather some information.

I ask unanimous consent that any amendments between now and then be disposed of by 3:30, 3:35, at which time I would like to bring up my amendment.

Mr. HARKIN. Reserving the right to object, and I believe I will object to that. I really do not want to thwart anybody from bringing up an amendment in the meantime. We cannot agree right now on the time limit if someone were to bring up an amendment. I do not foresee anyone bringing up an amendment, but I could not agree to a unanimous consent that would say at 3:30 if somebody brought up an amendment, they would have to cease talking about it and move on to another amendment.

Mr. LAUTENBERG. Put another way, is the manager aware of any amendments that are pending? I know the Senator from Minnesota has requested some time.

Mr. HARKIN. The manager is not aware of any pending amendments. I am asking Senators, if they have amendments, to please come over and offer them.

Mr. LAUTENBERG. I will alert the Senate that my amendment on smoking will be brought up as soon as possible after 3:30.

Mr. NICKLES. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. NICKLES. I believe that the committee language had certain floors on employment levels. It was this Senator's intention to offer an amendment to strike those floors to where levels could be lower. I understood, through staff, that the manager was going to offer an amendment, or would adopt our amendment in the managers' amendments.

Mr. HARKIN. If I might respond, we did that last Thursday night. Those floors have been removed, in accordance with the wishes of the full committee and Senator BYRD.

Mr. NICKLES. I thank my colleague.

Mr. WELLSTONE. Mr. President, I want to speak today of a desperate need for research funding for Parkinson's disease and an important step the Senate is about to take, which is a positive step to meet that need.

Mr. President, Parkinson's, for those who do not know, is a devastating disease that has been much too invisible in America. It starts silently at some point in life, with a degenerative proc-

ess that attacks certain brain cells controlling motor function. Although the cause is still uncertain, environmental toxins are a prime suspect.

When 80 percent of all those cells have died, the systems of tremor, muscle stiffness, the loss of motor control, begin to appear. Medication masks some of those symptoms for a while, but it does not stop the disease's advance. Eventually, the drugs lose their effectiveness.

At that point, those afflicted with Parkinson's become prisoners of their own bodies, unable to move, unable to swallow, unable to even speak.

Parkinson's disease presently afflicts approximately 1 million Americans, and it strikes 50,000 more each year. Mr. President, it is awful to endure the suffering that Parkinson's disease inflicts, as it steadily robs a person of things he or she loves—the ability to run, and then to hike, and to walk, to play an instrument, to write a letter, and then to use a fork or a spoon.

Step by step it takes away the freedom to conduct an independent daily life, finally leaving an active mind trapped in a frozen body.

The suffering of loved ones is also equally great. Their hearts break as they see their spouses or their parents or their children suffering and steadily losing control to Parkinson's disease.

Mr. President, I know. I had firsthand experience with this. Both my father, Leon Wellstone, and my mother, Minnie Wellstone, suffered from Parkinson's disease. We moved my mom and dad out to Minnesota, in Northfield, so that we could take care of them as a family. I watched them struggle to maintain their independence and struggle to maintain their dignity. So I speak on the floor here today with a great deal of emotion.

Contrary to common belief, this is not exclusively an older person's disorder. Approximately 40 percent of those afflicted are under the age of 60. Many Americans are stricken in their twenties and their thirties and their forties.

One of my dearest friends, Michel Monnot, who walks across our country to raise funds for Parkinson's disease research, I think, first was diagnosed with Parkinson's disease in his mid-thirties. In addition to human distress, the cost of Parkinson's disease to our country is immense—\$5.6 billion a year in direct health care expenses, indirect expenses due to disability, and also to lost productivity. What men and women with Parkinson's disease could contribute if we could find a cure to this disease.

Mr. President, the suffering could end soon. Great advances in neurological research have created the potential for major treatment breakthroughs with very possibly a cure in this decade. Among those scientific developments are neurogrowth factors

which hold the potential for rejuvenating the dominant neurons—bringing them back to life and full functioning; fetal tissue transplant which produced remarkable preliminary results in reversing the disorder while replacing dead cells with new healthy ones; and genetic engineered neurocells that provide a fertile source of potential brain tissues for transplant.

This research is moving far slower than it could, and the reason is because of the lack of funding and the lack of support. Therefore, we really have had a legacy of wrongheaded policy and really neglect and not such benign neglect.

First, efforts to achieve the breath-taking promise of fetal tissue transplant research were bottled up for 5 years as a result of the two prior administrations unwilling to let that research go forward. After a 5-year struggle, finally we see that research going forward, and we can see the potential by way of cure.

Second, Parkinson's disease has been treated unfairly, unbelievably I might add, to the extent that there has been such low levels of funding. The 1993 Federal funding directly for Parkinson's disease totaled \$28 million which is pittance compared to moneys spent on other diseases of equal magnitude and scientific promise.

There is a sad irony here. After battling so hard, for example, to remove the political obstacles to fetal tissue transplants research, the backlog of research still sits there because we do not have adequate funding. It is one thing, I would say on the floor of the Senate today, to suffer from a disease for which medical science has no answer; it is far worse to know that a breakthrough or maybe even a cure could be available now but politics has intervened.

This is the knowledge that the Parkinson's community in our country now lives with, that if we made a commitment of funding based upon the research that we have seen, we could have a huge breakthrough and possibly a cure to this disease. But we have had so little commitment to do so in our Nation.

We must act to ensure that the Federal priorities are corrected and that Federal resources are available so that medical science can make up for the time that has been lost. I am pleased to say today that the Senate takes an important step to change this situation far for the better. In the report language that accompanies the 1994 appropriations bill, the Senate directs the NIH to give Parkinson's the priority attention it deserves. It encourages a greater commitment by the NIH to Parkinson's disease. It seeks a coordinated research program among the institutes involved. And, most importantly of all, it urges increased funding for Parkinson's research.

I thank Senator HARKIN, I thank Senator SPECTER and I certainly thank Senator HATFIELD, who was the ranking minority member of the Appropriations Committee and has had such a commitment in this area. I thank them for their leadership in helping this come to pass. I especially appreciate the support of the Chair and the ranking minority member.

I also thank the Parkinson's community for alerting the Congress to this problem. During the campaign for "lift the ban on fetal tissue transplant research," I worked closely with the Parkinson's Action Network. The director, Joan Samuelson, I believe many Senators probably have met, is "no less than," as my children would say, "than amazing." She herself suffers from Parkinson's. She comes here and does not come with lots of big dollars but she has such a commitment to making sure that there is a real strong focus on Parkinson's disease. She and the chair, Ann Udall, who is the daughter of our colleague, Mo Udall, who suffers from Parkinson's disease and who has had a terrible struggle with that disease, have I think provided just tremendous leadership in this Nation.

I hope that all of us will continue to work with them because they have a voice that must be heard. Since investing in Parkinson's, we will give millions of Americans a chance since it will, I think, put an end to immense suffering and since it will return enormous economic benefits to our Nation by way of enabling men and women to contribute to this country who have so much to contribute. It is vital that this research not only be continued but that the funding be increased.

I ask my colleague, the Senator from Pennsylvania, if he could elaborate on the intent of the committee statement in the report that urges the National Institute of Neurological Disease and Stroke to increase research funding for Parkinson's disease. Is it his sense or is it the sense of the committee, as the ranking minority member sees it, that adequate funding is provided in this budget for this purpose? Because I think people in the Parkinson's community—I am sorry I know, the people in the Parkinson's community consider this moment sometimes we lose sight of it—we are on the floor every day; they have fought so hard for this; it is so important to them, that I think a statement from the ranking minority member in behalf of the chairman of the committee would be very important to the community.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I am glad to respond, without making any representations.

As the sentence read by the distinguished Senator from Minnesota cites, it is the committee's intent, which will

be the Senate's intent if passed, and I expect it will be, that there ought to be additional allocation for Parkinson's disease.

When we approached the issues of medical research, we are looking at a proposal submitted by the administration for a reduction in NIH funding. That reduction is not just this administration, it is prior administrations as well.

When the chairman, Senator HARKIN, and I have gone over the sheets, we have increased funding on NIH by some \$630 million, a 6-percent increase—more than that really—bringing the total to some \$10.9 million. But as we move through the various categories which need increased funding, we are besieged by people on behalf of cancer—breast cancer, prostate cancer, other kinds of cancer—diabetes, mental illness, Alzheimer's categories. It is dangerous to start to enumerate because there are so many requests.

It is our view that the funding on Parkinson's ought to be increased to the maximum extent possible.

I note the distinguished chairman of the subcommittee has come to the floor. Perhaps he might care to elaborate. He might want to hear the question before he comments.

Mr. WELLSTONE. I thank the Senator from Pennsylvania.

I would ask the chairman whether he might respond to my question.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, I thank the Senator from Minnesota for his statement. I had read it before.

First of all, I wanted to say to him that I concur in the points that he made. Parkinson's disease is something that this Senator feels very strongly about. Family members have suffered in my family from Parkinson's disease. A close friend and neighbor of mine, that I just visited in Iowa just two weekends ago, is suffering from Parkinson's disease.

We have worked very closely with Joan Samuelson. Again, I want to commend her. She has done a great job in bringing to our attention this issue of making sure that we focused on it and that we got adequate funding.

I would just say that we did put report language in the report, Mr. President, that urges the National Institute of Neurological Disorders and Strokes to increase research funding for Parkinson's disease. Although the committee is refraining from targeting specific funding per se, except where previously provided by statute—and there are some statutes that provide for specific funding for specific illnesses or diseases—the National Institute of Neurological Disorders and Strokes budget contains a 5.2-percent increase over 1992 funding. And it provides sufficient funds for an expansion of research in Parkinson's disease. It is this commit-

tee's intention that NINSDS would indeed increase that funding for Parkinson's research.

Mr. WELLSTONE. Mr. President, I notice that other colleagues are on the floor, so I will wrap this up. I will be very, very brief.

I would like to thank the chairman of the subcommittee, Senator HARKIN. He is a friend and I also think he is known throughout the country for his commitments in this area.

I would say to the Parkinson's community that your voice has been heard here. I urge the men and women in the Parkinson's community and family members to continue to speak out and to continue to press forward, because I think this is a very important step that is taken in this appropriations bill.

I also thank the ranking minority member.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I have sought recognition to make a brief comment about an application of ERISA to preempt certain State and local laws which may require future legislation clarifying the intent of Congress on a provision in ERISA which provides for preemption of State and local laws. For purposes of those who are unfamiliar with the preemption doctrine, it is a thesis that when the Federal Government acts, if the Federal Government chooses to do so, we may preempt any competing law from applying.

There was recently a decision by the Supreme Court of Pennsylvania in a case captioned "Keystone Chapter, Associated Builders and Contractors, Inc., v. Foley", which invalidated the Pennsylvania laws relating to a number of subjects. There have been a number of judicial decisions in recent years, in some nine States, which have affected State laws. Currently, there are 31 States, including Pennsylvania, which have enacted laws which impact on public works projects. The decisions of the U.S. district courts have preempted a whole series of State provisions: those providing for payment of prevailing wages on public works projects; State laws concerning apprenticeship training and employment, and State laws providing for mechanics' liens.

Illustratively, when you have a provision providing for a mechanic's lien, that is the way workers guarantee they can obtain payment for services which they perform on a building. All 50 States have laws on mechanics' liens. It is a traditional security interest which as a matter of public policy is recognized virtually uniformly.

There has been legislation introduced by Representative HOWARD BERMAN, of California, H.R. 1036, which deals with certain aspects of this issue, of this problem. There had been some consideration of offering an amendment on



this appropriations bill to deal with these issues. But after considering the matter, it is my view that action should not be taken at this time.

A number of interested parties have conflicting views as to what ought to be done. It is a matter of some controversy. But I thought it worthwhile to take a few minutes of the Senate's time to identify the problem and to put my colleagues and others on notice that this is an issue we will probably have to face one day in the near future. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the committee amendments presently ready for review be set aside so that I can offer an amendment to the Labor, HHS appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, the pending committee amendments are laid aside.

#### AMENDMENT NO. 971

(Purpose: To provide for the protection of children from exposure to environmental tobacco smoke in the provision of children's services)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SIMON, and Mrs. BOXER, proposes an amendment numbered 971.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

#### TITLE VI—NONSMOKING POLICY

##### SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

##### SEC. 602. FINDINGS.

The Congress finds that—

(1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over \$3,000,000,000 per year.

##### SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(3) CHILDREN'S SERVICES.—The term "children's services" means—

(A) direct health services that are routinely provided to children and that are funded (in whole or in part) by Federal funds; or

(B) any other direct services that are routinely provided primarily to children, including educational services and that are funded (in whole or in part) by Federal funds.

(4) FEDERAL AGENCY.—The term "Federal agency" means an entity in the executive, legislative or judicial branch of the Federal Government.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

##### SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

##### SEC. 605. TECHNICAL ASSISTANCE.

The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance. The technical assistance shall include information—

(1) on smoking cessation programs for employees; and

(2) to assist in compliance with the requirements of this title.

##### SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

(A) is consistent with the guidelines issued under section 604(a);

(B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

(C) where appropriate, requires that signs stating that smoking is not permitted be

posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

(A) in which services are not normally provided directly to children; and

(B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) SPECIAL WAIVER.—

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—(A) Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an

amount not to exceed \$1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services.

(B) Each day a violation continues shall constitute a separate violation.

(2) **ASSESSMENT.**—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) **AMOUNT OF CIVIL PENALTY.**—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) **MODIFICATION.**—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) **PETITION FOR REVIEW.**—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) **FAILURE TO PAY.**—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) **EXEMPTION.**—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) **EFFECTIVE DATE.**—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

#### SEC. 607. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to the Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

#### SEC. 608. PREEMPTION.

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. President, this is an amendment, I understand, offered by the Senator from New Jersey that deals with the issue of smoking. I do not know exactly how the amendment is drafted. But in discussions with the Senator from New Jersey and the Senator from Kentucky, I would like to ask unanimous consent that debate on this amendment be limited to 40 minutes equally divided between the Senator from New Jersey and the Senator from Kentucky, Mr. FORD; that at the conclusion of the debate there be no intervening amendments or motions, and that the yeas and nays be ordered on the amendment offered by the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Iowa?

Mr. LAUTENBERG. I would go further and ask unanimous consent it not be subject to second-degree amendments.

The PRESIDING OFFICER. The Chair advises the Senator that is included in the unanimous consent request.

Is there objection to the unanimous consent request?

Mr. LAUTENBERG. I thank the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. LAUTENBERG. I yield myself such time—

The PRESIDING OFFICER. Is there a sufficient second in the request for the yeas and nays?

At this moment there is not an indication of a sufficient second. The Chair

would be pleased to inquire momentarily.

Mr. LAUTENBERG. We will withdraw the request for the yeas and nays for the moment and proceed.

The PRESIDING OFFICER. The question is withdrawn. Who yields time?

Mr. LAUTENBERG. I yield myself such time as is necessary to make my presentation.

The PRESIDING OFFICER. The Senator is yielded for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, recently President Clinton informed us that we needed comprehensive health care reform for the American people, and everybody applauded. It was heard around the country and people were enthusiastic and it is indicated by polls and surveys and other opinion solicitations. The President told us that we need to reduce the cost of our Nation's health care bill. He told us that we need to emphasize preventive care, and we all applauded again. He told us that we had to change some of our behavior, and once again the applause rang in the Chamber.

Today, I hope we are going to be able to turn that applause into real action. The amendment I am offering today will help prevent sickness and death and hold down health care costs. At the same time it will protect our children, it will modify some behavior, and it will put the Federal Government on record as saying that our children, our future, should not be harmed by exposure to secondhand smoke when they participate in Federal programs designed to help them. My amendment is called pro kids. It stands for protecting our kids from inhaling deadly smoke and is based on a bill that I introduced earlier this year, S. 261. This bill currently has 21 cosponsors; Senators BINGAMAN, BOXER, BRADLEY, CHAFEE, D'AMATO, DURENBERGER, HARKIN, HATCH, HATFIELD, INOUE, KERRY of Massachusetts, LEAHY, LIEBERMAN, LUGAR, METZENBAUM, MOYNIHAN, MURRAY, PELL, SIMON, STEVENS, and WELLSTONE.

Pro kids will protect children from secondhand smoke while they participate in federally funded programs such as Head Start, WIC, Chapter 1, health care and day care programs. It would require Federal grantees to establish a nonsmoking policy if they provide health services to children under the age of 18 or provide other social services primarily to children who are under the age of 18. This includes elementary and secondary education. These nonsmoking policies would limit indoor smoking in facilities associated with these federally funded programs to those areas which are not normally used to serve children, a separate room, separately ventilated.

Evidence accumulated by EPA and other organizations shows that separate ventilation is essential to prevent



secondhand smoke from recirculating through the ventilating system right back into the rooms that are used by children.

In cases where extenuating circumstances prevent total compliance, programs could apply for a partial waiver from the provision if they protect children from exposure to secondhand smoke to the extent possible. This amendment also allows the adoption of the nonsmoking policy to be done if union agreement exists through collective bargaining, and this amendment does not mandate the same requirement for home-based child care provided by relatives who do receive some Federal funds. It means that if grandma is taking care of the child, she does not have to comply with the regulations.

This amendment also provides an additional role for the EPA with regard to environmental tobacco smoke. Under this legislation, the EPA will establish guidelines for compliance under this act.

I offer this amendment for one simple, irrefutable reason. Secondhand smoke kills. An EPA report released on January 7 this year undeniably confirmed what public health officials have recorded for several years: Secondhand smoke kills, not only those who smoke often but those who are forced to breathe secondhand smoke.

This report was released in the Bush administration by the then Administrator Bill Reilly with the full support of the Secretary of HHS, Dr. Louis Sullivan. Since then it has been endorsed by Administrator Browner and Secretary Shalala.

Mr. President, you know how the tobacco industry responded to this 6-year, peer reviewed, unanimously approved study? Nine tobacco companies are suing the Federal Government. They cannot refute the scientific findings. They cannot influence public opinion anymore. So now they are using their profits to put their lawyers to work to bring a lawsuit.

I have had my disagreements with the tobacco industry ever since I became a Senator. I have come to be amazed, to be impressed, in a kind of perverse way, at their ingenuity and creativity; that is, the tobacco companies. But this response, their suit against the Government is for releasing a scientific study documenting the impact their product has on human health. Well, Mr. President, I have to confess that is one I did not expect. But I did expect the EPA to reach the conclusion that it did; that secondhand smoke is a group A carcinogen, a group that includes toxins like asbestos, benzene, and arsenic.

I would ask: Would we deliberately expose our children to those kinds of materials? Here is the EPA report. Secondhand smoke is a group A carcinogen, and thus it is equal to asbestos,

benzene, and arsenic, in terms of toxicity. This is not a very good way to treat our kids.

The evidence is clear. Secondhand smoke is taking an enormous toll on the health of Americans, particularly our children. According to EPA, 3,000 lung cancer deaths per year occur among nonsmokers as a result of exposure to other people's smoke.

I would like to read a quote from the EPA report which is spelled out on this chart.

Passive smoke is estimated by EPA to cause approximately 3,000 lung cancer deaths in non-smokers each year.

It takes, however, the toughest toll on our Nation's children. Children exposed to secondhand smoke often suffer acute illnesses, and ultimately may contract lung cancer.

Once again, I would like to read verbatim from the EPA report:

Secondhand smoke hurts children.

It says:

Secondhand smoke is a serious health risk to children.

This comes from EPA.

Mr. President, the Agency that is in charge of protecting our people from environmental hazards is EPA, and it unequivocally states that secondhand smoke hurts our kids. I would like to read some of the effects that secondhand smoke has on our children.

It says "150,000"—look at the number—"to 300,000 lower respiratory tract infections in children under 18 months resulting in 15,000 hospitalizations each year"—children, babies under 18 months.

Reduced lung function.

Buildup of fluid in the middle ear.

700,000 to 1 million asthmatic exacerbations each year.

That means attacks. About 700,000 to 1 million each and every year as a result of breathing smoke that other people create. It creates irritation of the eyes and nose and throat.

Mr. President, I have my own experience. I used to smoke. I used to smoke a lot. I thought it was fun. I smoked a couple or three packs of cigarettes a day. One day I came home. I have four kids. It was my youngest daughter who was then 7 years old. She said, "Daddy, don't smoke."

I said "Why not?"

She said, "Because in school we heard that if you smoke, you can get a black box in your throat. And, daddy, I love you and I don't want you to have a black box in your throat."

That was my child asking me to protect my health.

It never occurred to me, Mr. President, that in the process of my smoking that I was running a risk with my children. Heaven knows, there is no parent who has any sense of parental responsibility who would ever deliberately put asbestos, benzene, or other toxins in an area where their kids are

going to play or sleep or eat or what have you. But we did not know at the time.

Once this child reminded me of what my responsibility was to myself and thusly to them, that was the end of smoking. I tried to quit many times before that. When I looked at that little face, that made the decision for me.

I want to point out that this is not the first words we have heard on this matter. In a separate study, the American Heart Association concluded that exposure to secondhand smoke increases the risk of lung cancer, heart disease, and emphysema. They reported that approximately 50 percent of all children are exposed to secondhand smoke.

Mr. President, this is not church. I am not a preacher. But I do want to say to any parent who hears this message, when you light up the next time, think of that child's face in front of you and see whether you want to blow smoke in his or her lungs, because that is what you are doing by allowing a child to inhale secondhand smoke.

Furthermore, in 1986, the Surgeon General's report called secondhand smoke a hazard to nonsmokers' health. Given that kind of evidence, the Federal Government has to respond. We have in the past. In 1990, the Congress, with a great deal of labor, passed the Clean Air Act to regulate 189 hazardous air pollutants which were estimated to cause 1,500 deaths per year.

I remind you that in the earlier chart I cited the fact that 3,000 deaths a year are attributable to secondhand smoke.

The Senate has passed my amendment to make all buildings smoke free. Unfortunately, it did not survive the conference. I think it is fair to say the deck was stacked on that one, Mr. President. The Senate had voted, though it was a voice vote. But we did not carry it through.

Other Government agencies have acted to protect their employees. Cities have adopted new regulations restricting indoor smoking. We banned smoking on all domestic airline flights. I take pride in the fact that I was the author of that amendment in the Senate. People who travel say constantly, "Thank you, FRANK LAUTENBERG. It is the best thing we had."

I, in some way, take credit also, perhaps unfairly and perhaps immodestly, for having started the roll against smoking in this country because people saw how pleasant it was suddenly to be in the cabin of an airliner and not have to suck up your neighbor's smoke. It was a real treat, and those who work in those airplanes treat me almost in a saintly fashion when they recognize who I am because I have helped prevent their health from deteriorating. People said life is different.

People say, "I worked in this airplane. I used to work and cough and feel lousy. Now when I go to work it is

a pleasure. We do have other environmental problems with indoor air on airplanes.

Mr. President, the White House, at the behest of the First Lady, the architect of the President's health care plan, is now smoke free. We have made a start, but we have a long way to go.

We have protected ourselves, but we have not yet protected our children. And they, more than any other group in our society, are threatened by secondhand smoke.

Children are the most vulnerable members of our society. They depend on us to protect them and to safeguard their health. They are our future. Is it not time to give our kids, especially those who depend on the Federal Government for valuable services like health care, preschool training, the same kind of protection we already afford to airplane travelers and some Federal workers?

We should prohibit smoking in federally funded institutions which serve children under the age of 18 immediately so that our kids can breathe healthy air.

Mr. President, some of my colleagues will argue that this amendment will cost nonprofit organizations and the Federal Government millions of dollars to comply. It is important to set the record straight. This is a no cost amendment. Nothing in this amendment requires entities to install new ventilating systems. The entities can simply prohibit smoking in the entire facility and obtain no smoking signs free of charge from the local cancer society.

It is only if the entity chooses to allow smoking indoors that it must install separate ventilation. This is completely optional and up to the grantee. But I want my colleagues to know that entities have an option to fully comply with this amendment at no cost.

Now, I would just like to mention some of the many organizations that have endorsed the Pro-Kids amendment: The American Cancer Society, American Lung Association, American Academy of Pediatrics, American Medical Association, American Nurses Association, and the National Education Association, which represents many of our Nation's teachers.

I have a brochure here that EPA has sent out. It is an attractive little pamphlet that says "Secondhand Smoke, What You Can Do About Secondhand Smoke As Parents, Decisionmakers, and Building Occupants." Then it describes how you protect your health and what you can do to reduce the health risks of passive smoking.

I ask unanimous consent that this pamphlet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**SECONDHAND SMOKE—WHAT YOU CAN DO ABOUT SECONDHAND SMOKE AS PARENTS, DECISIONMAKERS, AND BUILDING OCCUPANTS**  
Protecting Your Health: What you can do to reduce the health risks of passive smoking.

#### IN THE HOME

Don't smoke in your house or permit others to do so.

If a family member insists on smoking indoors, increase ventilation in the area where smoking takes place. Open windows or use exhaust fans.

Do not smoke if children are present, particularly infants and toddlers. They are particularly susceptible to the effects of passive smoking.

Don't allow baby-sitters or others who work in your home to smoke in the house or near your children.

#### WHERE CHILDREN SPEND TIME

EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Find out about the smoking policies of the day care providers, pre-schools, schools, and other care-givers for your children.

Help other parents understand the serious health risks to children from secondhand smoke. Work with parent/teacher associations, your school board and school administrators, community leaders, and other concerned citizens to make your child's environment smoke free.

#### IN THE WORKPLACE

EPA recommends that every company have a smoking policy that effectively protects non-smokers from involuntary exposure to tobacco smoke. Many businesses and organizations already have smoking policies in place but these policies vary in their effectiveness.

If your company does not have a smoking policy that effectively controls secondhand smoke, work with appropriate management and labor organizations to establish one.

Simply separating smokers and non-smokers within the same area, such as a cafeteria, may reduce exposure, but non-smokers will still be exposed to recirculated smoke or smoke drifting into nonsmoking areas.

Prohibiting smoking indoors or limiting smoking to rooms that have been specially designed to prevent smoke from escaping to other areas of the building are the two options that will effectively protect non-smokers. The costs associated with establishing properly designed smoking rooms vary from building to building and are likely to be greater than simply eliminating smoking entirely.

If smoking is permitted indoors, it should be in a room that meets several conditions:

Air from the smoking room should be directly exhausted to the outside by an exhaust fan. Air from the smoking room should not be recirculated to other parts of the building. More air should be exhausted from the room than is supplied to it to make sure ETS doesn't drift to surrounding spaces.

The ventilation system should provide the smoking room with 60 cubic feet per minute (CFM) of supply air per smoker. This air is often supplied by air transferred from the doors (or near building ventilation system air intakes) where non-smokers may have to pass through smoke from smokers congregated near doorways. Some employers have set up outdoor areas equipped with shelters and ashtrays to accommodate smokers.

#### IN RESTAURANTS AND BARS

Know the law concerning smoking in your community. Some communities have banned

smoking in places such as restaurants entirely. Others require separate smoking areas in restaurants, although most rely on simply separating smokers and non-smokers within the same space, which may reduce but not eliminate involuntary exposure to ETS.

If smoking is permitted, placement of smoking areas should be determined with some knowledge of the ventilation characteristics of the space to minimize non-smoker exposure. For example, non-smoking areas should be near air supply ducts while smoking areas should be near return registers or exhausts.

Ask to be seated in non-smoking areas as far from smokers as possible.

If your community does not have a smoking control ordinance, urge that one be enacted. If your local ordinances are not sufficiently protective, urge your local government officials to take action.

Few restrictions have been imposed in bars where drinking and smoking seem to go together. In the absence of state or local laws restricting smoking in bars, encourage the proprietor to consider his or her non-smoking clientele, and frequent places that do so.

#### IN OTHER INDOOR SPACES

Does your state or community have laws addressing smoking in public spaces? Many states have laws prohibiting smoking in public facilities such as schools, hospitals, airports, bus terminals, and other public buildings. Know the law. Take advantage of laws designed to protect you. Federal laws now prohibit smoking on all airline flights of six hours or less within the U.S. and on all interstate bus travel.

#### A SPECIAL MESSAGE FOR SMOKERS

This is a difficult time to be a smoker. As the public becomes more aware that smoking is not only a hazard to you but also to others, non-smokers are becoming more outspoken, and smokers are finding themselves a beleaguered group.

If you choose to smoke, here are some things you can do to help protect the people close to you:

Don't smoke around children. Their lungs are very susceptible to smoke. If you are expecting a child, quit smoking.

Take an active role in the development of your company's smoking policy. Encourage the offering of smoking cessation programs for those who want them.

Keep your home smoke free. Non-smokers can get lung cancer from exposure to your smoke. Because smoke lingers in the air, people may be exposed even if they are not present while you smoke. If you must smoke inside, limit smoking to a room where you can open windows for cross-ventilation. Be sure the room in which you smoke has a working smoke detector to lessen the risk of fire.

Test your home for radon. Radon contamination in combination with smoking is a much greater health risk than either one individually.

Don't smoke in an automobile with the windows closed if passengers are present. The high concentration of smoke in a small, closed compartment substantially increases the exposure of other passengers.

More than two million people quit smoking every year, most of them on their own, without the aid of a program or medication. If you want to quit smoking, assistance is available. Smoking cessation programs can help. Your employer may offer programs, or ask your doctor for advice.



## WHAT IS SECONDHAND SMOKE?

Secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers.

This mixture contains more than 4,000 substances, more than 40 of which are known to cause cancer in humans or animals and many of which are strong irritants.

Secondhand smoke is also called environmental tobacco smoke (ETS); exposure to secondhand smoke is called involuntary smoking, or passive smoking.

## SECONDHAND SMOKE CAN CAUSE LUNG CANCER IN NONSMOKERS

Secondhand smoke has been classified by the U.S. Environmental Protection Agency (EPA) as a known cause of lung cancer in humans (Group A carcinogen).

Passive smoking is estimated by EPA to cause approximately 3,000 lung cancer deaths in nonsmokers each year.

## SECONDHAND SMOKE IS A SERIOUS HEALTH RISK TO CHILDREN

The developing lungs of young children are also affected by exposure to secondhand smoke.

Infants and young children whose parents smoke are among the most seriously affected by exposure to secondhand smoke, being at increased risk of lower respiratory tract infections such as pneumonia and bronchitis. EPA estimates that passive smoking is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age annually, resulting in between 7,500 and 15,000 hospitalizations each year.

Children exposed to secondhand smoke are also more likely to have reduced lung function and symptoms of respiratory irritation like cough, excess phlegm, and wheeze.

Passive smoking can lead to a buildup of fluid in the middle ear, the most common cause of hospitalization of children for an operation.

Asthmatic children are especially at risk. EPA estimates that exposure to secondhand smoke increases the number of episodes and severity of symptoms in hundreds of thousands of asthmatic children. EPA estimates that between 200,000 and 1,000,000 asthmatic children have their condition made worse by exposure to secondhand smoke. Passive smoking may also cause thousands of non-asthmatic children to develop the condition each year.

## OTHER HEALTH IMPLICATIONS

Exposure to secondhand smoke causes irritation of the eye, nose, and throat.

Passive smoking can also irritate the lungs, leading to coughing, excess phlegm, chest discomfort, and reduced lung function.

Secondhand smoke may affect the cardiovascular system, and some studies have linked exposure to secondhand smoke with the onset of chest pain.

## FOR MORE INFORMATION

U.S. Environmental Protection Agency, Indoor Air Quality Information Clearinghouse, (IAQ INFO), P.O. Box 37133, Washington, DC 20013-7133, 1-800-438-4318.

Office on Smoking and Health/Centers for Disease Control and Prevention, Mail Stop K-50, 4770 Buford Highway, N.E., Atlanta, GA 30341-3724, 404-488-5705.

National Cancer Institute, Building 31, Room 10A24, 9000 Rockville Pike, Bethesda, MD 20892, 1-800-4-CANCER.

National Heart, Lung, and Blood Institute, Information Center, P.O. Box 30105, Bethesda, MD 20824-0105, 301-951-3260.

National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226-1998, 1-800-35-NIOSH.

Mr. LAUTENBERG. Mr. President, I sent a copy of this to all of my colleagues, and I hope they will read it before we vote on this issue.

I will read an admonition contained in the brochure:

EPA recommends that every organization dealing with children have a smoking policy that effectively protects children from exposure to environmental tobacco smoke.

Mr. President, it has been 9 months since Congress received the EPA report we are using here today that concluded that secondhand smoke kills, and it makes our children sick.

Since then, companies, States, and localities have adopted policies to protect nonsmokers from this deadly carcinogen. Even four shopping malls in my State—Cherry Hill, Bridgewater Commons, Echelon, and Woodbridge Center—have gone smoke free and have attracted a lot of new customers as a result of that. Even the U.S. Postal Service has gone smoke free, along with EPA, Health and Human Services, and the VA.

What action has Congress taken to protect children from secondhand smoke? We have done nothing. Imagine that. The Post Office protects its workers from secondhand smoke, but we have not protected children whom we entice into these facilities because they are going to get better care, treatment, and health. We have not done anything to protect them.

As author of the airline smoking ban, frankly I am embarrassed by this lack of action. We need to protect our children from secondhand smoke, and do it now, not sometime in the future.

Mr. President, last week we heard President Clinton speak about the need to reform our health care system. He told us what Government could do to help, but he also warned us that Government action alone was not enough. People need to act, as well. We need to change our policies as a Nation and our practices as individuals if we are going to have the kind of health care system that we need and deserve.

I am asking for a small change in national policy and a small change in individual behavior. This amendment is not revolutionary; it simply expands current restrictions and applies them to facilities serving children. It is not punitive. It does not prevent people from smoking or punish them if they do. It simply says they cannot do it where it exposes children to the harmful effects of their behavior. It is not based on a prejudice. It is a logical and necessary response to an unbroken record of objective scientific evidence.

I hope my colleagues will support my amendment to protect children from this deadly carcinogen.

Mr. President, I yield the floor. I note that the Senator from Kentucky,

the Democratic whip, wanted to talk about this, and that the floor is his at the moment.

I reserve the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise today to express my support for the amendment offered by my distinguished colleague, the junior Senator from New Jersey, to ban smoking where federally funded children's programs are offered.

Secondhand smoke is a serious hazard to the Nation's health and economy. Responsible for 3,000 lung cancer deaths a year—among nonsmokers—secondhand smoke drains \$3 billion from the economy annually.

In January the Environmental Protection Agency classified secondhand smoke as a potent carcinogen, citing in particular the toxin's devastating effects on children. Our Nation's youngest are especially susceptible to any number of complications, including ear infections and respiratory disorders.

As a long-time advocate of a smokeless society, I would like to thank my colleague for his work toward protecting our Nation's children from one of the most serious—and preventable—public health threats.

Mr. FORD. Mr. President, first let me compliment my friend from New Jersey for what he is trying to do. No one who raises tobacco or supports the program for the companies is in favor of children smoking. And so on that point, we agree. So I have the dubious honor here to try to show the Senator where he is a little bit wrong.

There are two things that this amendment requires. It requires entities providing children services that receive Federal funds to either ban smoking in areas accessible to children, or have separately ventilated areas. It allows a Federal agency providing the Federal funds to waive the requirements for unspecified extenuating circumstances.

The place that the Senator and I differ—and I think my colleagues differ somewhat—tobacco is a whipping boy. He has been whipping tobacco almost ever since he arrived. I used to go in his office and I could hardly find him for the tobacco smoke and cigar smoke. But I enjoyed it; I like to smoke. I enjoy a good pipe. Nothing smells better to me than walking down the hall behind Senator EXON with his pipe smoke. I enjoy it. I like it.

But what the Senator fails to do here is try to protect our children in a comprehensive way. Sure, tobacco is a whipping boy, so he comes out with a big whip and, boy, it is all wrong. No one opposes protecting our children from harmful things they breathe in the air outside their homes. No one objects to that. But there is more in the air than tobacco. There should be equal concern about radon. We do not hear anything about that. There should be equal concern about asbestos, formaldehyde, lead, and other pollutants.

But, no; we come in and beat on tobacco. We need to look at the comprehensive picture of workplace air quality, not just smoking.

These provisions will require separate ventilation, but who will pay the cost? He says there is no cost if you ban smoking. It is simple: Just ban smoking. But if you do not, then you have an unfunded mandate for State governments, local governments, Head Start centers, and other providers of children's services who receive Federal funds. For State and local governments, this is just another unfunded mandate. For Head Start centers, or other public service organizations, there are no funds to pay for ventilation.

A total smoking ban is the only option. So the only option is to ban smoking. Do not worry about radon or formaldehyde, or asbestos, lead, or other things in the air.

So let us look at small businesses here who either rent space to providers or provide services. This is just another mandate that they will pay for and pass the cost through to those underfunded programs.

All these costs may be unnecessary because once a comprehensive workplace air quality standard is developed—and that is coming, Mr. President—the Department of Labor, through OSHA, is expected to act on a comprehensive workplace air quality rule, which will obviously include passive smoke. The provision puts the cart before the horse and may lead to unnecessary costs down the road.

I was interested to listen to my friend talk about what a great thing he had accomplished when he banned smoke on airlines. He never has once worried about the quality of air in an airplane since that time.

Let me quote stewardesses. He will quote stewardesses. A United Airlines flight attendant—and I have her name—with more than 9 years of service testified before the Subcommittee on Technology, Environment, and Aviation of the House Committee on Science, Space, and Technology that she and her colleagues often experienced dizziness, nausea, headaches, and other health effects from poorer aircraft cabin air. She has become more aware of air quality complaints since the 1990 ban on smoking on most domestic flights and suggests to the subcommittee that air quality complaints prior to the ban were disguised by smoke.

Let us not create the same problem with this one on our children. We need a comprehensive air quality standard.

I quote Congressman VALENTINE at that time when we were focused almost entirely on smoking on the quality of the cabin air in airplanes, and I quote him:

At that time I noted that the issue should be addressed in a more comprehensive man-

ner. I argued then and still argue today that we should review all aspects of air quality so that the guidelines that are adopted truly address the entire problem.

It is easy—it is like a bunch of pit bulls coming at you when you try to defend tobacco in any way, and I understand that better than anybody. You can see who is here helping me.

But people say you are defending it because you represent a tobacco State. No, I am not. I remember the homes with formaldehyde. Children were sick, with a rash. It was horrible. We do not worry about that. We say all our problems are smoking; if you do away with that, all our problems are over. Asbestos, radon—we need a comprehensive program. Those kids could be in a day care center with no smoke but formaldehyde, and this amendment would not help them a bit.

So, they seem to have generally lost the excitement. Once you got rid of smoking on airlines the excitement was gone. The excitement to me with my grandchildren is that we have comprehensive air quality not just do away with smoking.

Mr. President, I have another little thing. This is not funded by tobacco companies. It is the New England Journal of Medicine. Think about that. That is a pretty distinguished group of people, and they have had three research projects. Then it was confirmed. There were three projects. The academicians around here understand the researcher. The research noted that the presence of nicotine and related substances in the body fluid on non-smokers usually is interpreted to mean that people have been exposed to secondhand smoke. But do you know what they were found to be exposed to? Potatoes, tomatoes, eggplant. They all have the substances of passive smoke.

So, if you sit in a room with passive smoke and you have eaten potatoes, how do you check it? You check it through the bloodstream, and you have gotten it by eating potatoes. This study by Dr. Edward Domino and his colleagues at the University of Michigan, one study found that as little as one-third of an ounce of eggplant would provide the same nicotine as spending 3 hours in a room with tobacco smoke, the researchers noted. And 5 ounces of potatoes, 8½ ounces of ripe tomatoes, 9½ ounces of cauliflower provide a like amount of nicotine, they say.

So, if we are going to do away with problems in the air, let us do it right. Let us do it right. You can have all kinds of reports, but I think if the Senator from New Jersey wants to do something besides making smoke a whipping boy, he ought to come with a comprehensive program.

The cabin air in airlines was accused of passing along TB. You know the stories in California, four of them. So they acquired that in the cabin air. No. We got rid of smoke, cigarette smoke. The

excitement was gone so everything is fine.

But I am not for smoking in front of kids at the day care center. I agree with the Senator. Most people do. But we cannot stop there. We have it in the mill. Why cannot we push that along? Sure, I am from a tobacco State. We grow tobacco. I understand what one must do. But I also stand here as a father and a grandfather saying, if you are going to clean up the air, do it right. Instead of being a whipping boy for one particular subject, let us begin to look at what is possible and do that. And what is impossible, let us try to get to that a little bit later. But the possible is a comprehensive rule as it relates to indoor air.

Mr. President, I reserve the remainder of my time, if I have any.

THE PRESIDING OFFICER. The Senator has 8 minutes 51 seconds remaining. The Senator from New Jersey has 47 seconds remaining.

Mr. LAUTENBERG. What happens with the time that is undesignated at the moment?

THE PRESIDING OFFICER. If neither Senator yields time, it will be deducted from each side equally.

Mr. LAUTENBERG. Mr. President, I guess I have been outlasted, but I would say, very quickly, I just heard the best argument for my case ever. We just heard my distinguished friend from Kentucky—and he is a good friend. He is a witty fellow. He knows the business around here. He just finished saying that if you are going to prevent death by tobacco smoke, it is not worth it because you have not prevented death from other sources. That is like saying do not worry about speeding, because the crash will kill you, not the speeding.

Mr. President, everyone knows we have been working on radon, indoor cabin air, you name it. But it is specious to suggest that if we cannot prevent all of the other causes for sickness or death, we ought not to prevent this one.

Mr. President, I hope we are going to go ahead with this.

THE PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, a parliamentary inquiry.

THE PRESIDING OFFICER. Does the Senator from Kentucky yield for that?

Mr. FORD. I did not hear.

THE PRESIDING OFFICER. The Senator's time has expired. The Senator from New Jersey has a parliamentary inquiry and asked whether the Senator from Kentucky yields.

Mr. FORD. I do not mind.

Mr. LAUTENBERG. I thank my friend from Kentucky.

It is a question. We asked for the yeas and nays. We are waiting for a second. It is pending a Republican appearance; is that correct?

Mr. FORD. Mr. President, I say to my friend from New Jersey, even though



we disagree on this position, we are not disagreeable with each other, and I will be glad to wait until any time so that he can have the yeas and nays for an up or down vote.

Mr. LAUTENBERG. I thank the Senator.

The PRESIDING OFFICER. The request for the yeas and nays is withdrawn. It can be renewed at any time.

The Senator from Kentucky.  
Mr. FORD. Mr. President, I just think my position has just been misrepresented. I am not for leaving cigarette smoke in the room with small children. I think that we ought to look at all of the problems that are there, including passive smoke, formaldehyde, lead, asbestos, all of that, and make it a clean environment for the children.

If a local day care center decides that they want to let their people smoke, then it is an extra expense because this bill mandates ventilation in an area that will not be accessed to the children. I really have no problem with that except we do not pay for it. We add another mandate and we do not pay for it.

I hear all the yelling. You know, some people around here used to be a little bit more liberal than they are now. They have become a little more conservative, more so than they have been. It is getting close to 1994 and I understand that very well, more than most folks in here, I think.

The only thing I am pleading here is that I think we ought to support this amendment. I do not have any problem with it, except we are not doing a comprehensive job. I am not sure if you had a choice between getting rid of formaldehyde and passive smoke what the choice would be.

I have not seen anybody out here on the floor jumping up and down trying to hurry up OSHA to accelerate their comprehensive study. I have not heard anybody out here saying anything about that. Once we got the cabin air worked out with no smoke in it, it has gotten worse. That has been tried. That has been tried. And what has happened? We have not cleaned up the cabin air in the airplanes. It still has more problems today, probably, than it had before, because, as Congressman VALENTINE said, we have lost the excitement. The whipping boy is gone.

Well, I am going to go home and get so excited and I am going to eat some potatoes and cauliflower and tomatoes tonight. That way I will not have to smoke a lot of cigarettes. I have a lot of nicotine in my system.

I am not going against researchers. I did not ask them to do it. It was on the wire. No one from the tobacco industry that I know of went to the University of Michigan and had them make the study. There were four studies, three that found it, two that confirmed it, and now they gave the report to the New England Journal of Medicine.

So, Mr. President, I hope that we will support this amendment. I think it is legislation on an appropriations bill. I hope that, at some point, we could get around to getting a comprehensive program. And it is out there. I do not understand why we keep coming at it with this one issue, one issue, one issue.

Well, he prides himself in trying to stop people from smoking cigarettes. Well, more power to him. But let us do it the right way if we are going to start cleaning up the air indoors. And so when we clean up the air indoors, then we will have a comprehensive program and passive smoke will be included.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes and 18 seconds remaining.

Mr. FORD. I am going to reserve the remainder of my time.

I understand the provision here that if I suggest the absence of a quorum it will be charged only against this Senator. There is no time on the other one. I do not know whether there are any other colleagues here who wish to debate this. I feel a little bit like a piece of raw meat.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we do not have colleagues here from the other side. I would, nevertheless, submit a request to have a rollcall vote here and ask once again for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the amendment.

Mr. FORD. Mr. President, do I not have some time left?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FORD. Your watch is faster than mine.

I just wanted to say that the article I read about the nicotine and vegetables and so forth was dated August 6, 1993, from the State Ledger from Newark, NJ.

Mr. LAUTENBERG. Mr. President, if I may correct the RECORD. The name of the paper is the Star Ledger, the largest paper in the State.

Mr. HELMS. Well, Mr. President, here we go again. The Senator from New Jersey is once again waging his vendetta against those Americans who choose to smoke. I suggest that all Senators feel free to vote for the

amendment even though it is not about whether people should smoke around young children. It is a meaningless amendment, a political exercise. No, the amendment in question attempts to mandate a nonsmoking policy in thousands of buildings and homes where child services are provided under the pretense of protecting children from environmental tobacco smoke or ETS.

Mr. President, the debate over ETS is purely an emotional one, and I recognize that numerous politicians and agencies—notably the Environmental Protection Agency—have a vendetta against tobacco. However, there is no justification for the Federal Government to rush into smoking bans based on EPA's questionable findings. EPA studies regarding tobacco are little more than antismoking diatribes in which science has been prostituted and readily ignored in order to have a politically correct result.

The only thing these studies prove is EPA's willingness to sacrifice science in order to reach a predetermined ideology.

Mr. President, I will not consume time arguing about this amendment and nobody should misconstrue that this Senator believes it is OK to smoke around young children. We all want to protect children, and if the Senator from New Jersey has an amendment prohibiting smoking in child care facilities, I will vote for it. But that is not the case here.

The separate ventilation requirement in this amendment would prohibit smoking throughout an establishment if child care services are provided anywhere in that building or home. Now I am not an expert on ventilation systems, but I assure my colleagues that virtually no homes have separate ventilation systems.

For ventilation in larger buildings, I would use as an example the building that houses the U.S. Capitol Police Headquarters—located across the parking lots from the Dirksen and Hart Office Buildings. Most of my colleagues have seen that building, and I don't think anybody would argue that it is a good building—with seven floors and dozens of offices on each floor. But it has a single ventilation system.

Mr. President, that means that a building of that size could have a child care facility on the ground floor at one end, and, under the Lautenberg amendment, a smoker would be prohibited from lighting a cigarette at the other end of the seventh floor. Well, the Senator from New Jersey can call that protecting our children, but I think it is a thinly veiled attempt to impose wide-ranging control over citizens who choose to smoke.

Mr. President, I want my colleagues to be sure about what this amendment is truly about: The antismoking zealots and the EPA want total control

over smoking and smokers. And rather than attack indoor pollutants such as radon gas and asbestos, they will use shoddily prepared science as justification to point the finger at tobacco smoke and smokers. I urge my colleagues to oppose the pending amendment.

Mr. CHAFEE. Mr. President, I rise in strong support of the amendment offered by Senator LAUTENBERG. The amendment, of which I am a cosponsor, has a simple purpose: It is designed to protect children from the debilitating and potentially fatal effects of secondhand smoke, while they are participating in federally funded health care and day care as well as Federal programs such as Head Start and WIC.

The amendment is straightforward, mandating any federally-funded program which is involved in providing direct services such as day-care, medical care or counseling to children under the age of 18, to adopt a no smoking policy in the facility where such services are provided. The policy, however, need not apply to portions of the facility which are not normally occupied by the children, so long as such areas have a separate ventilation system.

The amendment does include a waiver procedure. A program can petition for an exemption to the no smoking rule by outlining in writing the extenuating circumstances which make it difficult or impossible to comply. In such a situation, the program must assure that it will adopt an alternative policy that will protect children from secondhand smoke to the maximum extent possible.

Now why are we making such a ruckus about this? Why are we saying to these program directors that you cannot continue to receive Federal funding unless you have taken significant steps to protect children from secondhand smoke?

The answer is that recent reports from both the Environmental Protection Agency and the American Heart Association have provided unequivocal evidence that environmental tobacco smoke is harmful to our health and especially to the health of our children. These reports label secondhand smoke "a known carcinogen," which poses an unacceptably high risk of respiratory and heart disease. The EPA report, which adds to similar warnings already sounded by the National Research Council and the Surgeon General, zeros in specifically on the effects of cigarette smoke on children.

The report concludes that the widespread exposure to environmental tobacco smoke presents a serious and substantial public health risk. Secondhand smoke not only aggravates up to one million existing cases of childhood asthma each year but increases the risk of lower respiratory tract infections such as pneumonia and bronchitis.

Children are especially vulnerable to the effects of tobacco smoke. The amendment we are offering today is an attempt to shield them from this danger. If adopted, it will assure that young children, at least during the time they are participating in federally funded programs, will be safe from secondhand smoke.

The studies have been completed. It is time to take action. This is a modest but concrete step toward providing protections for the group identified as being most susceptible to the effects of secondhand tobacco smoke: our children. I urge my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment numbered 971 offered by the Senator from New Jersey [Mr. LAUTENBERG]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. LUGAR] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 291 Leg.]

#### YEAS—95

Akaka	Exon	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihhan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Hollings	Reld
Campbell	Hutchison	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Warner
Domenici	Lott	Wellstone
Dorgan	Mack	Wofford
Durenberger	Mathews	

#### NAYS—3

Faircloth Helms Wallop

#### NOT VOTING—2

Lugar Pryor

So the amendment (No. 971) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### VISIT BY SPEAKER OF THE HOUSE OF COMMONS OF GREAT BRITAIN

Mr. MITCHELL. Mr. President and Members of the Senate, I want to take note of the fact that we are honored by the presence of a distinguished visitor on the floor of the Senate at this time, the Honorable Betty Boothroyd, the Speaker of the House of Commons of Great Britain.

She is the first woman in 600 years to serve in that position and the first person in nearly 160 years to be a member of the opposition party and still be elected as Speaker. The latter is a practice we do not encourage in this country. But Senator DOLE and I and Senator PELL and others had the honor of meeting the Speaker earlier, and I would like at this time to ask all of my colleagues to join in welcoming her.

[Applause.]

I am going to momentarily ask for a recess to give Senators an opportunity to do that. But I would like to call upon my distinguished colleague, Senator COHEN, who also has a guest present at this time.

#### VISIT TO THE SENATE BY DATO'SERI ANWAR IBRAHIM, FINANCE MINISTER OF MALAYSIA

Mr. COHEN. Mr. President, I would like to first announce that this is not officially Maine Day. My junior colleague from Maine has had the privilege of introducing a distinguished guest. It occurs that on the very same occasion we have another important visitor here, the Finance Minister of Malaysia, Mr. Dato'seri Anwar Ibrahim.

He is here with us on the floor of the Senate, and we want to welcome him. He is an extraordinary individual: very young, as you can see, and also extraordinarily talented; and he is about to become the No. 2 official in his country. Obviously, he has even greater aspirations beyond that.

So we wanted to take this occasion to welcome him here as well.

#### RECESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes to permit Senators to greet our colleagues.

There being no objection, the Senate, at 5:01 p.m., recessed until 5:05 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].



DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business before the U.S. Senate is the Labor-HHS appropriations bill, and the committee amendment on page 9.

Mr. HARKIN. Madam President, I understand that Senator BRADLEY had an amendment which I believe is acceptable.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Madam President, I ask unanimous consent that the pending committee amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 972

(Purpose: To express the sense of the Congress regarding consolidation of Federal education programs)

Mr. BRADLEY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 972.

Mr. BRADLEY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, between lines 23 and 24, insert the following:

SEC. 306. (a) The Congress finds that—

(1) according to the recent National Performance Review, there are currently 230 distinct programs in the Department of Education, 160 of which award grants through 245 national competitions each year;

(2) many of these programs overlap in purpose and orientation, differing only in the administrative requirements such programs impose on applicants and the Department of Education;

(3) as an example, the goal of reforming schools is funded through at least 4 programs assisted under this Act, including the programs assisted under chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (block grants), the Fund for the Improvement and Reform of Schools and Teaching, and Secretary's Fund for Innovation in Education, and a new program established under Goals 2000: Educate America Act, which has not yet become law;

(4) the overhead at the Department of Education to administer each separate program,

and the cost to States, localities and schools of preparing applications, planning ahead, and managing funds under each program diverts scarce resources from schools and students;

(5) some Federal programs serve purposes which would be better served by consolidation into a single flexible grant, a few serve purposes that could be met without Federal assistance, and some programs are obsolete;

(6) in the Department of Education's internal study for the National Performance Review, the Department indicated that the Department had identified 41 programs that could be eliminated or consolidated into other programs;

(7) this Act takes a significant step toward consolidation by eliminating funding for 13 programs, and the Department of Education has begun a serious effort to consolidate programs, as is appropriate, in the reauthorization of the Elementary and Secondary Education Act of 1965, but much more remains to be done; and

(8) the Defense Base Closure and Realignment Commission offers a successful model for cutting government spending despite powerful interests within and outside of the Congress dedicated to protecting specific projects or programs.

(b) It is the sense of the Congress that—

(1) within 6 months of the date of enactment of this Act, the Department of Education should prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a legislative package reflecting the President's National Performance Review plan to consolidate Federal education programs;

(2) the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives should consider the package submitted by the Department of Education and should report to the Senate and House of Representatives, respectively, bills proposing to consolidate Federal education programs;

(3) the leadership of each House of the Congress should establish—

(A) a process for considering a bill described in paragraph (2) under which such bill would be subject to a single vote of approval or disapproval by such House; or

(B) a comparable process to minimize the possibility that individual programs will be excepted from the consolidation; and

(4) the objective of the consolidation should be, first, to find savings by reducing the administrative costs to both the Department of Education and to States and localities that are due to redundant programs, and second, to maximize the impact of Federal education dollars, but not to reduce our Nation's overall investment in schools and students.

Mr. BRADLEY. Madam President, when I talk with New Jersey citizens about the Federal budget, taxes and the deficit, I hear the same question over and over again: "Aren't there thousands of redundant, obsolete programs in the Government that we can get rid of?" And even though all the domestic discretionary programs in the entire Government, the good and the wasteful, add up to less than the deficit, the basic answer is "Yes." There are too many categorical programs, and too many of them overlap and too

many are obsolete. Because of these programs, Government costs too much and responds too slowly.

One of the three or four areas of Government most notable for the proliferation of duplicative programs is Federal aid to education. The recent National Performance Review of Government identified 230 distinct programs in the Department of Education, of which 160 award grants through 245 national competitions. In recommending a reduction in the number of programs to 189, the Performance Review cites internal Department of Education documents concluding that 41 programs could be eliminated or consolidated.

The Department will spend about \$250 million next year on administration and management, excluding the administrative costs of the enormous student loan program. On a very rough average, that is about \$1 million per program, though obviously some cost much more to administer and some much less. But even if no programs are eliminated, by consolidating 230 programs to 189 we could aim to save as much as \$41 million in administrative costs alone. The National Performance Review estimates that consolidation could save up to \$515 million over 6 years to be redirected to other educational priorities.

The National Performance Review cites education programs that are virtually identical, such as the National Science Scholars Program and the National Academy of Space, Science and Technology, both of which award scholarships to advance math, science and engineering students. I would call to the Senate's attention four more programs funded in this bill, which are not identical, but all of which address the urgent cause of school reform: The chapter 2 block grant, the fund for the improvement and reform of schools and teaching, the fund for innovation in education, and an innovative program established under the Goals 2000: Educate America Act, which has not yet become law. Most of these are programs that creative States and school districts have used well; some are consistently excellent. But if you look at them from the point of view of a state or local school administrator, in the process of seeking funds to help with school reform, they will all look the same, except they require four applications four planning processes, and four sets of regulations, instead of one.

The idea of consolidating and simplifying these fragmented education programs is not new. It has been proposed by the last three presidents, by the National Governors Association, and by the Appropriations Committees in both the House and Senate. Some progress has been made, particularly in this bill, which eliminates 13 unnecessary programs. But most of the programs persist, protected by legislators

who have a personal interest in preserving their original concept, or by influential associations whose Washington offices focus on maintaining just one or two Federal programs which benefit their members. I would draw the analogy to defense base closure, where for a decade or more we knew there was a need to close redundant military bases but the political process would not let it happen. Therefore, I offer this amendment, which expresses the sense of the Senate that we should take up a comprehensive proposal to consolidate education programs and vote on it as a package, before it can be watered down, on the model of the successful procedure established by the Defense Base Closure and Realignment Commission.

The analogy to defense base closing is not precise, since most of these programs do not serve a single region, or provide the strongest employment base for a small community in the way that bases do. In most cases, their actual funding stream is so small, on the order of \$3 or \$4 million, that their real value is symbolic. To their supporters, they represent affirmation from Washington that a particular subject or educational technique, such as law-related education or consumer and home-making education, is important to the Nation. But we can no longer afford to protect programs just to send a message.

These fragmented programs have persisted through the last decade and a half not so much because legislators support them in exactly their current form, but because we have not trusted the previous administrations, and previous Secretaries of Education, to honestly consolidate programs without eviscerating their purposes. We have not trusted that they would consolidate without cutting our Nation's total investment in education. The associations and education organizations that protect each program also operate on a culture of mistrust, professionally wary that any change that might give local school districts or the Department of Education more flexibility will ultimately come at the expense of the program their members support.

Those years of mistrust within Government, and between its branches, came with a heavy price. The price, which we are paying today, is a deep and legitimate public mistrust of Government altogether, in all its branches and departments. It is born of a conviction that Government cannot make choices among programs, eliminate obsolete programs, stand up to the narrow interests that protect those programs, or set clear priorities.

With an administration honestly committed to education, there is no reason to mistrust its intention to consolidate small programs in this department. There is no longer, if there ever was, a basis for the mistrust that leads

us to protect programs beyond their useful lives. It's time to work together to give this Department a coherent purpose, a clear focus that makes sense to the people who work there, to States and localities, and to educators and students. The Department of Education can work better and cost much less.

I developed this amendment in a continuing effort to find ways to cut unnecessary Government spending on these fiscal year 1994 appropriations bills. I considered proposing the elimination of some of these education programs, but what I did not want to do was to reduce our Nation's overall investment in education. Appropriations is a blunt instrument for consolidating programs or making them more efficient. And the President and the Department of Education seem determined to follow through on the recommendations of the National Performance Review. So I chose instead to offer this amendment to put the Senate on record that we welcome that effort, that we will take it seriously, and that we will try to protect the proposal from the kind of narrow-interest amendments that, as with base closing, might mean that we wind up with just as many fragmented programs as before.

I would like to thank the managers of this bill, Senators HARKIN and SPECTER, for accepting this amendment. And I would thank Senators KENNEDY and KASSEBAUM, the chairman and ranking member, respectively, of the committee that will ultimately be responsible for consolidating these programs. I look forward to working closely with them as this effort goes forward.

Mr. SPECTER. Madam President, I congratulate our distinguished colleague from New Jersey on this amendment to eliminate the duplication within the Department of Education and in all of the education programs.

There is a reservation I have about reporting it back without an amendment on the floor of the Senate or on the floor of the House. I inquire of my colleague from New Jersey if his amendment covers only the Department of Education, or would it seek to cover education programs at other departments? For example, there are education lines, I know, in the Department of Justice. There are education lines in many departments, which might well be served by this kind of a consolidated approach.

Mr. BRADLEY. I would cover only the Department of Education.

Mr. SPECTER. Would the Senator from New Jersey consider it wise—and I am not suggesting making a change in this amendment, because we can do it in a later amendment, but why not include education programs as they exist in other departments?

Mr. BRADLEY. That merits consideration, and perhaps at a future time we can do that.

Mr. SPECTER. I think that would be a good idea because as we work through just this one subcommittee bill with three Departments—Labor, Health and Human Services, and Education—I find there are many overlapping functions. So I think the idea of consolidating education functions is a very good one.

On that subject, I might comment, Madam President, that in reading the 239-page draft on President Clinton's health program, I find that it deals with many programs which are now funded by this appropriations subcommittee. And it is a source of concern to me as to how the plan would be coordinated with what we do on this subcommittee. Senator HARKIN and I have gone over the sheets that cover all these individual items, and I wonder how all of this is going to be worked out because we have provided funding for so many of the programs which are itemized in the President's health program.

I might say, in addition, that I much prefer the approach of the distinguished Senator from New Jersey—in sending this back to the education authorizing committees than an approach on reinventing Government, which is lodged in the hands of our former colleague, now the Vice President. As I see Vice President GORE work through the reinventing Government program, it has been a source, again, of great concern of mine that those programs might better be taken up by the education authorizing committees which have worked with these programs for years, and probably should have done this before. But now, as I understand it, the authorizing committee is in agreement with what Senator BRADLEY has proposed.

So I think this is a good way to approach the issue. I would like to see all of the education functions under one umbrella since we now have the Department of Education, even though some in the past had sought to eliminate it.

The other comment that I have to make relates to the absence of a vote. I voted against the Base Closing Commission because I did not think that Congress really did a serious enough job trying to tackle that problem itself. I understand the political problems with closing bases, but I thought we should have done more to solve that ourselves.

I voted against fast-tracking the North American Free-Trade Agreement because, again, I think one of the most important prerogatives of a Member of this body is to offer amendments looking also not only after our State's interest but the national interest.

That is an aspect that I materially disagree with, and I know this is a sense-of-the-Senate resolution and I do not intend to call for a vote or do more than register my own objection. But I



would be interested in inquiring of the distinguished Senator from New Jersey, because I know he always likes inquiries, why he thinks that it is good to have a fast track.

Why not let Senator HARKIN and the rest of us offer amendments?

Mr. BRADLEY. Madam President, I will answer the Senator's question by saying I think the last three Presidents proposed consolidating education programs, and none have been successful because there were a number of rather smaller interests that fought vociferously to keep their particular part of the pie.

That is why today we end up with 230 separate education programs and end up spending \$41 million more in administrative costs to administer them when the performance review said we could cut it from 230 to 189. I tend to think if you had one vote, you would be more likely to achieve this objective.

Mr. SPECTER. If I may understand, Madam President, and if I may inquire further of the Senator from New Jersey why that is the case. If someone has an interest in the program and they want to accept it, let us vote on it. It does not stop someone from articulating the view that the committee report is wrong.

All the wisdom does not lie within any particular committee, except perhaps with the defense appropriations subcommittee. Why not have the votes come? We can discuss that further at a later time.

I like the idea of Senators being able to offer amendments, state reasons, and let the group vote them up or down.

We do not offer a lot of amendments. There is reluctance to bring an amendment to a floor vote unless an individual Member has a very strong sense that he or she can win or he or she wants to make a real point.

So I like to see that latitude, but subject to the comments I made, I agree on this side and we will accept the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, will the Senator from New Jersey yield for a question?

Mr. BRADLEY. Yes, I will.

Mr. INOUE. Is it the Senator's intention to cover education programs for Native Americans in his sense-of-the-Senate amendment?

Mr. BRADLEY. It covers only education programs that are administered by the Department of Education.

Mr. INOUE. Even those that benefit only Native Americans?

Mr. BRADLEY. In programs that benefit Native Americans or other Department of Education programs, they would be one of the 230 existing programs.

Mr. INOUE. So that would come under the impact of the Senator's sense-of-the-Senate amendment?

Mr. BRADLEY. I would say to the distinguished Senator from Hawaii, yes; that is true.

In the performance review, no program that I am aware of that affects Native American education was a part of the consolidation recommendation. There still would be, under the performance review 189 separate education programs.

Mr. INOUE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I will accept the amendment, at least the spirit of the amendment. I think what the Senator is trying to get to is to get some consolidation of these numerous programs in the Department of Education.

I might just point out—as the Senator in his resolution pointed out—this subcommittee did bite the bullet this year. We eliminated 13 programs in the Department of Education. About six of those were in the national performance review. So we already started that process.

So I think it indicates that we are capable here in the Congress of consolidating and streamlining programs. I did not think it was a particularly hard job to do. I got a few hits on it, of course. You always get a few hits whenever you do things like that. That is what we are paid to do. Sometimes you have to bear up under that.

But I understand what the Senator is trying to do. I do have a serious question about what the Senator from Pennsylvania raised, and that is that the bill would come out on the floor subject to a single vote without any amendments. I understand that is the way the base closure provision works.

But in many cases, these education programs are not like a military base which may be located in one Senator's State or in a Congressman's district, and we understand how it becomes very difficult to close that base.

These education programs, by and large, have come about through a Senator or a Representative seeing a need that is unmet, a group whose education needs are not adequately responded to. I am thinking now, of course, of education for the disabled, for example.

Again, it took specific legislation authorizing and then appropriations to meet the unique needs of young children who are disabled and to make sure they got a free and appropriate public education. That was Public Law 94-142.

So a lot of programs have been built up around that because one shoe does not fit all sizes. I heard someone say earlier here today.

While I am in favor of consolidation and streamlining and weeding out programs—because we have done that; we started the process of doing that—I am just hopeful that we would do it in a very careful manner and not just do it in a way that gives the national per-

formance review a sort of a super parliamentary role.

After all, as I said, this is not like a base that is in one area, that has served its need and perhaps has no function any longer in our national security framework. These are programs that spread across the populace, in most cases. The Senator may be right. There may be a few that are specific to a certain area. More often than not, they spread across the populace, nationally.

I do not know that I would want to give up my right as an elected official representing the taxpayers of my State—and indeed representing the taxpayers of every other State, since I am a U.S. Senator and not a State senator—to exercise due diligence in making sure that certain populations and certain groups that may not have economic power, that may not have a strong backing, let us say, from interests, to make sure that their needs are met, also. I do not know that a national performance review committee will pay that kind of due care and diligence.

So I just raise this as a concern I have of having this come out in an up-or-down vote without any ability to amend it whatsoever.

Mr. BRADLEY. Madam President, I respond to the distinguished Senator from Iowa by saying I share many of his concerns. I considered proposing amendments actually to eliminate education programs on this appropriations bill, but I decided that the appropriations bills are a little blunt instrument to achieve that end, and it is better to have the authorizing committees work through in conjunction with the administration their own set of recommendations for consolidation.

It is my own personal view that it would be difficult to have those recommendations survive without an up-or-down vote on the floor, but that is this Senator's own personal view, and I know that this is not going to be done by rubber stamp of any performance review standards. This is going to be worked through and reported out of the Labor and Human Resources Committee in the Senate and the Education and Labor Committee of the House of Representatives. They will consider all of the competing claims.

Again, this is not a meat-ax approach. I think that sensitivity should be given to those who are weaker and less able to get their voices heard by the legislative process, and that is what I hope will happen, both within the administration and in the committees of the House and the Senate.

Mr. HARKIN. If the Senator will yield, Madam President, I appreciate that. It is just that a lot of times, these programs—and we have looked at them; believe me, we have looked at them. Senator SPECTER has looked at them, too; I know that. A lot of times,

you take a program, and it may be very small in the totality of what we are spending on education; it may be very small.

Those are always the easiest to eliminate. It is the big ones that have a big constituency that are the hardest to consolidate or to eliminate, if the case may be that.

Again, that is what I worry about. It may be a small program, it may be insignificant in terms of the overall impact on education, but it meets a real need of a very small populace.

I guess I just express the concern that I have that there needs to be some recourse for those groups or those populations, whether it is Native Americans or whoever it might be, who have the resources of those of us here in this body to exercise, as I said, that oversight. And to just have that one vote up or down, I do not know if that protects them all that much.

Well, it is just a concern I have and I have voiced it. Like I say, I will accept the amendment, but it is just a concern I have. And I will express it further. If, indeed, this sense-of-the-Senate resolution starts to find its way into legislation, I will seek to have some input to ensure that we have some protections for those groups.

Mr. BRADLEY. I say to the Senator, I understand his concern, and I agree with part of it. That is why, in the amendment, there is part A and part B. Part B says "comparable process," instead of simply a process for considering a bill described in which there would be an up-or-down vote.

So there is some flexibility in the amendment. It is my personal view that it should be the up-or-down vote. But if the leaders in the Senate make an alternative determination, the sense-of-the-Senate resolution takes allowance of that possibility.

I thank the distinguished managers of the bill, and I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 972) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I have an amendment at the desk, but I know the Senator from Vermont is also waiting.

I am not yielding the floor, but I am making an inquiry.

Mr. JEFFORDS. I do not intend to offer an amendment, but I would like

to discuss briefly one aspect of the bill that praises the managers, if I would be allowed to do so.

Mr. DECONCINI. If the Senator from Vermont will just give me an indication of about how long it would be.

Mr. JEFFORDS. I will take 3 minutes. I do not know how long they will accept the praise.

Mr. DECONCINI. Madam President, I ask unanimous consent that following the 3 to 5 minutes of the Senator from Vermont, I then be recognized to offer an amendment on behalf of myself and the Senator from Washington.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. Madam President, we so often spend our time condemning the committees for the work they have done in offering amendments. I thought it would be appropriate, perhaps, to commend the committee for the work they have done on one aspect of the bill which is extremely important to so many, many Americans.

Madam President, I rise, therefore, to offer my personal thanks to the Senators from Iowa and Pennsylvania for the fine work they have done on behalf of the Low-Income Home Energy Assistance Program [LIHEAP]. H.R. 2518 contains \$1.51 billion in fiscal year 1995 advance funding for LIHEAP when it shifts to a new program year, which commences next July.

The Appropriations Subcommittee on Labor, Health and Human Services, and Education perhaps faces more difficult decisions than any other appropriations subcommittee when 602(b) allocations are made. Operating under a budget already stretched too thin, the Labor-HHS Subcommittee must decide—more money for community services block grants or social services block grants? AIDS or substance abuse research? Cancer or heart disease? Head Start or Stewart McKinney homeless assistance?

I certainly do not envy the subcommittee for facing such choices. But I commend the subcommittee for the choices it has made.

The fiscal year 1993 appropriation for LIHEAP was \$1.35 billion. The fiscal year 1994 advance appropriation made last year was \$1.44 billion. And now we have a fiscal year 1995 advance appropriation of \$1.51 billion.

This steady growth is a welcome reversal of an earlier trend during which appropriations peaked at \$2.10 billion in fiscal year 1985 and then declined precipitously.

I think we are seeing the increase because we see certain connections. We see that utility shutoffs lead to homelessness. We see that hospital emergency rooms treat more malnourished children in the months following particularly severe weather. Why? Because families pay utility bills before they pay grocery bills.

I want to commend the chairman of the subcommittee, Senator HARKIN, and the ranking Republican, Senator SPECTER. We could always use more for LIHEAP—only a quarter of the eligible population receives benefits. But given the very severe budget constraints the subcommittee continually faces, it has done a very admirable job over the past 3 years finding the funds for LIHEAP. And because of the advance appropriations, State and local program directors will enter this heating season and the next knowing how much Federal funding they will receive. The money will already be there.

Madam President, millions of low-income Americans—children, the disabled, the elderly, the working poor—will find the coming winter months more bearable because of the efforts of Senators HARKIN and SPECTER. But their arduous task is not complete. For they must convince their House counterparts to recede to the Senate funding level in conference. I have the utmost confidence in their abilities and I certainly will do everything I can to assist them.

I hope my colleagues will join me in trying to make sure that the present level in this bill will prevail in the conference.

Madam President, I yield the floor. The PRESIDING OFFICER. The Senator from Arizona.

Mr. SPECTER. Will the Senator from Arizona yield for a moment?

Mr. JEFFORDS. I yield to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague.

Madam President, I want to thank the distinguished Senator from Vermont for his very gracious comments.

The issue of low-income home energy assistance is a matter of enormous importance in this country, especially in States like Vermont, Pennsylvania, and Iowa, and I could name some others; perhaps not Arizona.

It has been a matter of grave difficulty to find funding for the LIHEAP. We have been as innovative as we can in looking ahead. The bill which we came up with here recommends the advance appropriation of \$1.507 billion for the 1994-95 winter. It also permits the States to borrow up to \$100 million from the advance to cover program costs in the 1993-94 winter. This exceeds what has been done heretofore.

The House did not recommend the additional funding and did not provide for the advance appropriation. It exceeds by \$70 million the total available to States in fiscal year 1993.

While funding is a problem on the advance basis, when we face the shortage of fuel, it is indispensable to do so. And I know that most of us have had many in our States visiting us—I had a large contingent in my office from Pennsylvania—with urgent pleas.

So we are glad to accommodate in this way. And we thank the note taken



by the distinguished Senator from Vermont.

Mr. HARKIN. Madam President, I just wanted to also respond and thank the Senator from Vermont for his kind words, but, moreover, to thank him for his involvement, his positive involvement, in the deliberation of our subcommittee on a lot of issues, education being one. The Senator had a very important amendment which was adopted by this Subcommittee on Education.

But also, on the matter of LIHEAP, I know this is an issue that means a great deal to the people of Vermont. And the Senator has guarded his people and has been very active in making sure the LIHEAP is funded and funded to the degree that people in the States that are affected by severe winters are able to get their share.

All I can say to the Senator is that we have succeeded in establishing the principles. We started that last year. We did it this year. And that helps the States in terms of their planning.

They know they are going to get it. Whereas in the past they never knew, from one year to the next.

So we do have this principle established now. The \$1.5 billion, \$1.507 billion, I hope we will be able to hold in conference. We will do our utmost. I know Senator SPECTER feels the same way I do and I can assure the Senator we will do everything possible to keep those two things: the principle of forward funding and the amount we have passed.

I thank the Senator for his support, not just this year but in previous years, to make sure we had adequate funds for the LIHEAP Program.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I ask unanimous consent the pending committee amendments be set aside so the Senator from Arizona may send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments are set aside.

#### AMENDMENT NO. 973

(Purpose: To increase appropriations for the National Youth Sports Program)

Mr. DECONCINI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. GORTON, Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, and Mr. ROBB, proposes an amendment numbered 973.

Mr. DECONCINI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 8 strike "\$465,649,000" and insert in lieu thereof "\$472,649,000, including \$12,000,000 which shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of \$9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding years cash contribution to such program in an amount that equals 50 percent of such excess amount: *Provided further*, That notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 96.48 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 3.52 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any services within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993".

Mr. DECONCINI. Madam President, this amendment is offered on behalf of myself and the Senator from Washington, Senator GORTON, also cosponsored by Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, and Mr. ROBB.

First of all, I thank the Senator from Washington for his real interest in this program. For several years we have worked together on the National Youth Sports Program. I appreciate his staff's involvement and his involvement, in trying to get more attention to the National Youth Sports Program.

This amendment would increase the funding for the National Youth Sports Program to its fiscal year 1992 level, or \$12 million.

There would be a proviso that the national office of the NCAA match in cash one-half the difference between the \$12 million and last year's funding level, which was \$9.4 million.

Madam President, this is a partnership program that works in our State

of Arizona. I have seen firsthand just how well it works. Universities contribute their facilities and staff. Local schools and governments often contribute buses to transport the youngsters. Businesses provide equipment, such as computers, for the participating boys and girls. Local physicians provide physical examinations free of charge. The USDA provides nutritious meals. It's a partnership that has worked for 25 years.

This is a program that truly enriches at-risk children. It offers these youngsters drug prevention education. It helps them in securing jobs, and in learning how to be prepared for jobs. It gives them health nutrition counseling, free USDA approved meals, free medical exams and instruction on issues such as AIDS and teen pregnancy, gangs, and suicide prevention, all for less than 5 Federal dollars per day per child.

This last summer the program served 67,000 youngsters in 170 schools across the country. There are four schools in the State of Arizona that have such programs. I have visited three of them.

These programs offer hope and opportunity for disadvantaged children, many of whom are seeing a college campus for the first time in their lives. Our amendment would increase funding for the NYSP to \$12 million, which was the funding level for the program in fiscal year 1992 and which is the amount the House has recommended for this program in fiscal year 1994.

We would pay for our amendment by cutting funding for consultant services by 3.52 percent in the Departments of Labor, Health and Human Services, and Education. These agencies are expected to spend, believe it or not, \$199 million on consulting contracts in fiscal year 1994. Our amendment would take less than \$4.7 million in outlays out of this considerable pot of money, a pot that has grown over \$48 million in just 1 year.

I thank the chairman of the committee, the Senator from Iowa, for his willingness to work on this particular issue. He has many, many so-called irons in the fire, the priorities which he has to protect in proper order. He has been willing to cooperate with the Senator from Washington and myself in getting the funding for this program.

The National Youth Sports Program works and it pays good dividends. Again I thank the Senator from Washington for his outstanding cooperation in this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, for the past 25 years the National Youth Sports Program has provided wonderful support service for young people between the ages of 10 and 16 who are underprivileged or otherwise at risk. Last year, some 70,000 disadvantaged boys

and girls received services through the NYSP at various member and nonmember institutions in the National Collegiate Athletic Association.

The 10 States and 7 of the 10 cities with the worst child poverty rates all had such programs within their boundaries.

Young people participate in a rigorous program of skills and instruction and in competition with a minimum of three sports, always including swimming, which is, of course, a lifetime sport. The NYSP philosophy is based on the concept that mind and body must be nurtured together, a daily educational component that is a critical part of each one of the projects under this program.

But, while this is called a sports program, as my friend from Arizona knows very, very well, it is much more than a sports program. Instruction is provided in alcohol and drug abuse prevention, in mathematics and science education, in personal health and nutrition, in educational and career opportunities, and in a number of other areas which are a part of the lives of these young people.

In my own State of Washington there are three such programs: One at the Yakima Valley Community College, which began just last June and serves 250 of these young people; another in Spokane, at Whitworth College, which began some 4 years ago and has served over 1,000 young people; and one at Washington State University, which has come close to serving 1,000 such young people, almost all of whom have had happy and educational experiences with this sports program.

After more than 59 Senators sponsored a commemorative, the President of the United States designated July 1, 1993 as "National Youth Sports Program Day." On that occasion, President Clinton stated—and I think I will quote his statement because it encapsulates what we have attempted to do here—President Clinton stated:

These unique partnerships have allowed Federal funds to be used to provide direct services for youth, have enabled institutions to contribute their facilities and personnel, and have permitted public and private businesses to donate equipment and supplies needed for the children to participate in the program during the summer.

I call upon all Americans to observe this day by demonstrating their respect for all those individuals who participate so successfully in these programs, and by showing gratitude for those who unselfishly share their experiences, skills and talents with the disadvantaged youths who participate in NYSP activities across the country.

This is a particularly successful program because it involves much more than just the appropriation to which we are speaking today. Last year, only about 30 percent of the cost of this program came from our appropriation. What it does is to springboard into monetary contributions from the

NCAA, and from member institutions, and from all kinds of donated services on behalf of individuals who are both a part of the educational institutions and of the NCAA, and who are the purest of all volunteers.

For less than \$5 in Federal taxpayer money per day, each participating youngster gets free meals and a comprehensive medical examination, sports instruction, AIDS and drug abuse prevention education, job education, health and nutrition counseling and at some sites, mathematics and science instruction as well.

The Senator from Arizona and I feel that this is a most effective program; that it deals with young people at their most vulnerable and helps them with skills and with an orientation and a direction in life which will go with them for a long period of time to come.

I want to express my gratitude, along with that of the senior Senator from Arizona, to the chairman and the ranking minority member of the subcommittee for their understanding and cooperation. All of the increased appropriation in this amendment above the 1993 level is fenced and is to be matched by the NCAA. We think this is a reasonable compromise, and we trust now that this amendment will be enthusiastically and unanimously accepted by the Senate.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, this is an issue that seems to be coming back year after year on this National Youth Sports Program. Let me say at the outset that I am not opposed to the program. It is a good program. I have seen it operate in my own State. I have seen it operate in other States. They go out and get low-income kids in the summertime and they bring them, usually, to a college someplace. They put them up in the dorms, they feed them, get them in some organized sports, and it is kind of a nice program. It gets the kids off the streets maybe for a while and gets them into these programs for a couple weeks. They bring in some coaches and people like that around to work with some of these kids. So it is not a bad program. All in all it is a good program.

But, Madam President, I have to say there are a lot of good programs in this bill. We have had to hold the line on a lot of them. We have not been able to fund them because we do not have the money for everything. Yet, here is a program that is sole-source contract to the NCAA, the National Collegiate Athletic Association. It is primarily for sports instruction for disadvantaged youth.

I might point out, it is the only program in the discretionary funds of the community service block grant to go out on a sole-source basis. But I guess what bothers me is that the NCAA ba-

sically puts very little money into this program. Very little. The NCAA budget for 1992-93 totaled more than 179 million bucks. That is not chicken feed. The NCAA makes a lot of money. They got \$133 million in revenues from television alone. That is not pocket change. So, surely, the NCAA could help fund this program a little bit because, obviously, a lot of these colleges have interest in it.

I have been told laudable stories about some of these young kids coming in, and they watch them play basketball and soccer, they do things like that and they find kids that have a lot of promise and they say, "Uh-huh, I want that kid to go to college," and they start looking for these kids and pick them up early, which is fine. I see nothing wrong with that. But I do believe the NCAA, with all of the resources they have, ought to be willing to put some money into this.

I see all these ads the NCAA runs and those ads talk the National Youth Sports Program sponsored by the NCAA. Well, I beg your pardon, it is sponsored by the taxpayers of this country and funded by the Department of Health and Human Services. NCAA simply acts as a conduit. If you watch their ads, you would think they are funding the whole thing.

As a matter of fact, out of a \$12 million program in 1992, the NCAA added only \$678,000 of its money to the program out of a total budget of \$179 million.

So for years, and I go back a long time, I have been trying to get the NCAA to start matching some money with us. They can afford to do it, and they ought to do it. What this amendment does is it requires the NCAA to provide a 50-percent cash match as a condition for receipt of the \$2.6 million increase over last year's level for the National Youth Sports Program. It would also require the NCAA to contribute no less than last year's cash match, which I understand was about \$1 million.

So it requires them to contribute no less than last year's match, about \$1 million, for the \$9.4 million base grant. If they want the additional \$2.6 million, they have to come up with half of that, which is \$1.3 million. Add it on to their million-dollar base, and it gets them up to about a \$2.3 million out of a \$12 million program. I think it ought to be higher than that, quite frankly. I think the NCAA, with revenue of \$179 million could probably fund the whole thing. Perhaps that is the way we ought to go. At least they can afford to do, I think, a little bit more than that.

I understand the amendment and, quite frankly, I think the principle has been set now. I want to thank the authors of the amendment for agreeing to this principle that the NCAA ought to come up with something and ought to start providing some match for this.



They can go to their advertisers. Watch an NCAA game, one advertisement after another—well, they advertise everything from beer to potato chips. It would seem to me that those advertisers would be willing, I would think, to have some of their revenue go for the National Youth Sports Program. It would save the taxpayers just a little bit of money.

While it is not as much as I had hoped, at least we do have the principle set and I believe there is a base from which we can work in the future.

As I said, it is not a bad program. It is a good program. I think the National Youth Sports Program ought to be continued, but I think there is much more that the private sector, and especially the NCAA, could do to help fund this program and to make it work and to ease some of the burden on our taxpayers.

So, in that spirit, at least for this side anyway, I can accept the amendment on that basis, that this does establish the principle that the NCAA will have to start coming up with some cash grants in order for this program to continue.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I compliment the distinguished Senator from Arizona and the distinguished Senator from Washington on their laborious efforts on this amendment. I note that they have gotten 28 Senators as cosponsors, and I do believe that if the amendment came to a rollcall vote that it would prevail because the objective of the National Youth Sports Program is very worthwhile. The offset in funds is coming from administrative costs for consulting services. If you take a look at the Youth Sports Program versus administrative costs, this is a very worthwhile program.

However, one of the difficulties with taking the money out of administrative costs and putting it anywhere is that it could go somewhere else on some very important programs which we are funding here—education, medical research, cancer, Alzheimer's disease, to mention only a few.

I believe that we do have a very important principle, as the distinguished chairman of the subcommittee has articulated, and that is getting the NCAA to do more. I believe that having matching funds of the sort provided by the NCAA, \$1.3 million, we may be setting an important precedent for next year.

The NCAA does not like to hear comments made by the distinguished chairman of the subcommittee. They get their good publicity on ABC-TV and now there is competition on C-SPAN 2, publicity which is not quite so good. But we are going to take a much closer look at this next year and see if we cannot get more money from the

NCAA, which we really ought to have. You talk about \$179 million in revenues, I do not believe the NCAA has a deficit like the Federal Government. Not only is the publicity good but the Youth Sports Program is promoting young athletes who come on to television that have these enormous television contracts.

So I concur with what the distinguished chairman has said, and I concur with what Senator DECONCINI has said, and with what Senator GORTON has said, but with a degree of reluctance with the commitment to take a hard look at what the NCAA is going to do next year.

Mr. DOMENICI. Mr. President, I rise today in support of the amendment offered by my colleague from Washington, Senator GORTON.

I have long been a supporter of the National Youth Sports Program [NYSP] and am pleased to have the opportunity to provide more funding to this worthwhile program again this year.

Throughout the Nation we hear many troubling stories about our youth and the difficulties they face in their lives.

We see and hear leaders at all levels ask us to provide more programs for children.

This program, the National Youth Sports Program, provides thousands of at-risk children with an opportunity to participate each summer in a recreational program administered by the National Collegiate Athletic Association [NCAA] that is both structured and educational.

It provides medical examinations, nutritious daily meals, and educational activities.

In addition, I have heard many stories from youth in this program in New Mexico that the individual program coordinators and counsellors provide strong role models not only for the summer, but for a lifetime.

I am pleased that my State has three NYSP programs established at three of our colleges and universities—University of New Mexico, New Mexico Highlands University, and Northern New Mexico Community College—that served over 1,500 youth last year.

It is important to note, however, that each year the representatives from these programs come and visit me and tell me that many more children have expressed interest and would be able to participate with relatively minimal increases in funding.

In fact, there are two other universities in New Mexico that would begin an NYSP program if the funding were to become available.

Unfortunately, we have witnessed declining enrollment because the programs' funding levels have not increased with inflation.

If the Senate level of \$5 million is maintained, the programs in New Mexico and across the Nation would face drastic reductions.

I am pleased that Senators GORTON and DECONCINI have led the effort to obtain more funding for this worthy program and I thank them.

It is my hope that the Senate recognizes the value of the National Youth Sports Program for our children and supports this amendment.

I think perhaps the most important principle on this acceptance and compromise is to put the NCAA on notice that Senator HARKIN is going to play tough linebacking next year when these funds are at issue. So on this side of the aisle we concur.

Mr. HARKIN. Madam President, I would like to ask if either one of the Senators, the proponents of this amendment, know the answer to this question. I was looking at the budget of the NCAA for 1991-92 and 1992-93. This is from the Chronicle of Higher Education, September of last year. I do not have this year's. I was looking at their revenues and their expenditures.

Now, I mentioned that their total revenues were \$179,427,000, most of it obviously from television. I was looking at the expenditures, and the expenditures have "Distributions to Members." I notice Division I men's basketball, \$31.5 million, and then I look under "Championships, Division I men's basketball, \$9.9 million." I do not see anything here on women's basketball. Does the NCAA sponsor women's basketball? Maybe it is just not in here. I do not see it.

Mr. DECONCINI. If the Senator will be so kind to yield—

Mr. HARKIN. If the Senator knows the answer to that question.

Mr. DECONCINI. Let me read a part of a letter—it is very short—from Richard Schultz dated September 27 and it discusses a lot of things. I will ask unanimous consent that the letter be printed in the RECORD.

Let me just point out how he addresses this.

A copy of the NCAA's current budget is enclosed with the letter. Let me quote from the letter.

Over 87 percent of all NCAA revenues are annually returned to the tax-exempt post-secondary institutions comprising our membership so that they, in turn, may better meet their responsibilities to their students. Among the most significant of these responsibilities in 1993 and the years immediately ahead is to provide increased athletic opportunities for female student-athletes—an equally compelling social need. Thus, for the purpose of assuring greater gender equity in intercollegiate athletics, we are under great pressure from our members to increase the percentage of NCAA revenues available for the institutions' individual use.

So the Senator is correct; they are focused on that issue and they have indicated what they are going to do. I think that answers the Senator's question.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION,  
Overland Park, KS, September 27, 1993.

Hon. DENNIS DECONCINI and Hon. SLADE GORTON,

U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI AND SENATOR GORTON: I want to thank you for your continuing efforts to maintain a strong National Youth Sports Program (NYSP). Disadvantaged young people across the country will be the beneficiaries of your strong leadership.

I have been pleased to hear about your plan to offer a floor amendment to the Labor-HHS appropriations bill (H.R. 2518) to provide \$12 million for NYSP. That is the funding level already approved by the House of Representatives—and the same funding that was provided to NYSP in 1992. I also have been happy to learn of the broad and bipartisan support that has been expressed for your amendment.

Our staff is working with yours to help educate your colleagues about NYSP. The program is administered by the NCAA and funded jointly by the Federal government; the NCAA and its NCAA member institutions, as well as public and private donors. Most Senators already know that this is a highly successful public-private partnership, in which the NCAA and participating institutions (NCAA and non-NCAA members alike) carry all of the overhead burden (and more) and every Federal dollar goes directly to athletics and educational instruction, as well as nutritional and medical services, for economically disadvantaged boys and girls, ages 10-16, at some 170 institutions in 44 states. Everyone seems to acknowledge that the program is intensely cost-effective (the leveraging of Federal dollars with private contributions enables the program to deliver \$3 of services for every \$1 of Federal money spent), and that there is ample need for the services that could be provided with Federal participation at a \$12 million level.

And yet, in some quarters, we still encounter the argument that the NCAA should be able to assume a greater portion of the cost of the NYSP program than it now does. In this regard, it is important to emphasize that our organizational purpose is to promote and regulate intercollegiate athletics. Our participation in the NYSP partnership represents a voluntary effort by the Association for the benefit of disadvantaged younger people. We take pride in this activity and in the resources the Association and our member institutions devote to it, but we do not understand how we can fairly be assigned a greater responsibility than we have carried during the first 25 years of this program.

A copy of the NCAA's current budget is enclosed. Over 87 percent of all NCAA revenues are annually returned to the tax-exempt post-secondary institutions comprising our membership so that they, in turn, may better meet their responsibilities to their students. Among the most significant of these responsibilities in 1993 and the years immediately ahead is to provide increased athletics opportunities for female student-athletes—an equally compelling social need. Thus, for the purpose of assuring greater gender equity in intercollegiate athletics, we are under great pressure from our members to increase the percentage of NCAA revenues available for the institutions' individual use.

Under these circumstances, I think it is unlikely that the NCAA will be in a position to increase its direct support for NYSP, and if that increased support were a condition of the NYSP appropriation, we would be forced

to seriously consider withdrawing from our traditional, voluntary role as administrator of the program.

Thank you again for all that you are doing for disadvantaged youth through your efforts on behalf of NYSP.

Sincerely,

RICHARD B. SCHULTZ.

#### 1993-94 GENERAL OPERATING BUDGET

	1992-93 budget	1993-94 budget	Increase/Decrease
<b>REVENUE</b>			
NCAA operating revenue:			
Television	\$133,505,500	\$141,885,500	\$8,380,000
Royalties	7,049,000	6,795,000	(254,000)
Division I men's basketball	12,945,000	12,380,000	(565,000)
Other Div. I championships	5,935,500	6,482,900	547,400
Division II championships	949,750	871,200	(78,550)
Division III championships	447,950	425,100	(22,850)
Publishing	1,484,000	1,500,000	16,000
Communications	596,600	626,100	29,500
Investments	1,750,000	1,500,000	(250,000)
Membership fees	870,000	870,000	0
Certification fees— postseason bowls	220,000	220,000	0
Registration fees— Convention	150,000	220,000	70,000
General	405,000	210,000	(195,000)
Transfers from reserve	0	0	0
Total NCAA operating revenue	166,308,300	173,985,800	7,677,500
Associated organizations:			
National Youth Sports Program	12,000,000	9,924,000	(2,076,000)
NCAA Foundation	1,118,700	1,448,550	329,850
Total associated organizations	13,118,700	11,372,550	(1,746,150)
Total all revenue	179,427,000	185,358,350	5,931,350
<b>EXPENSE</b>			
NCAA operating expense			
Distributions to members:			
Div. I men's basketball fund	31,500,000	31,500,000	0
Div. I grants-in-aid fund	21,000,000	21,000,000	0
Div. I sports sponsorship fund	10,500,000	10,500,000	0
Div. I academic-enhancement fund	8,940,000	9,030,000	90,000
Div. I conference grants	4,103,000	4,103,000	0
Div. I special-assistance fund	3,000,000	3,000,000	0
Div. I membership trust	2,637,000	2,797,000	160,000
Royalties to members	989,000	1,035,100	46,100
Div. II enhancement fund	3,000,000	3,000,000	0
Grants to other organizations	115,400	167,000	51,600
Total distributions to members	85,784,400	86,132,100	347,700
Division I men's basketball expense	9,909,000	9,917,000	8,000
Other Division I championships expense	13,835,150	15,251,360	1,416,210
Division II championships expense	4,824,710	5,063,400	238,690
Division III championships expense	5,097,920	5,410,300	312,380
Sports sciences expense	3,877,500	2,472,500	(1,405,000)
Publications expense	1,824,500	2,085,500	261,000
Catastrophic injury insurance expense	2,832,500	2,682,500	(150,000)
Legal services/governmental affairs expense	2,500,000	2,000,000	(500,000)
Scholarships expense	1,350,000	1,170,000	(180,000)
Youth programs	911,700	910,700	(1,000)
Convention and honors banquet	705,000	697,500	(7,500)
General expense	735,000	607,000	(128,000)
Membership seminars	336,000	476,000	140,000
Initial-eligibility clearing-house	0	500,000	500,000
Research	456,000	456,000	0
Promotion and public-relations expense	2,397,000	2,386,000	(11,000)
Visitors Center expense	1,052,000	534,000	(518,000)
Committee expense	2,100,000	2,380,000	280,000
National office operations expense	5,890,700	6,046,700	156,000
Administration and finance group	2,560,600	2,651,400	90,800

#### 1993-94 GENERAL OPERATING BUDGET—Continued

	1992-93 budget	1993-94 budget	Increase/Decrease
Championships and event management group expense	2,146,900	2,177,400	30,500
Membership services group expense	1,309,200	1,360,200	51,000
Compliance services	2,446,400	2,565,500	119,100
Enforcement services	1,419,900	1,503,600	83,700
Legislative services	1,674,400	1,896,900	222,500
Public affairs group expense:			
Communications	1,309,200	1,403,900	94,700
Publishing	493,700	385,400	(108,300)
Visitors Center	2,648,800	2,750,300	101,500
Executive expense			
Total NCAA operating expense	162,448,180	163,873,150	1,424,970
Associated organizations:			
National Youth Sports Fund, Inc.	12,000,000	9,924,000	(2,076,000)
NCAA Foundation, Inc.	618,700	948,550	329,850
Total associated organizations	12,618,700	10,872,550	(1,746,150)
Total all expense	175,066,880	174,745,700	(321,180)
Excess of revenue over expense	4,360,120	10,612,650	6,252,530

Mr. HARKIN. I appreciate the Senator saying that.

Again, we are asked to give \$12 million to an institution, an event at this time on a sole source contract and I wondered how much of that \$179 million goes to women's sports. I just wonder how much goes for women's soccer, women's basketball, and things like that. I just did not see it here, and I wanted to raise that question. It had occurred to me. I was looking on the expenditure side and did not see it.

Mr. DECONCINI. If the Senator will yield, on the expenditure side, it makes reference to the men's basketball expenses, the men's basketball fund, and it does not make any reference to the women's conference. But some of these conferences, I am told, do involve women in sports, though the budget does designate women's basketball expenses. I just do not think that the NCAA should get criticized on an issue which they indicate is a priority with them in 1993.

Mr. HARKIN. I do not want to criticize them unnecessarily. I wanted to get a response to that question because I just did not see that and I wanted to raise that as an issue. Come to think of it, when I was watching that great Iowa women's basketball team last year, which did not make it quite all the way, although they should have—they had one bad evening—I just did not remember the NCAA being a sponsor. I do not know. I just wanted to raise it.

Mr. DECONCINI. If the Senator will yield, I do not know the answer to that.

Mr. HARKIN. I do not either.

Mr. DECONCINI. Mr. President, I thank the Senator from Iowa for his concern as he has expressed it. I do not have any problem with the NCAA contributing more, but I do not want to leave this debate with anybody under the impression that the NCAA is not a real contributor. The NCAA started



this program together with the Department of Health and Human Services. They have run it for 25 years, taking no contributions for running the program. They administer the program free of charge; they absorb the cost of administering the program so that all of the programs funding can go to benefiting some 67,000 youngsters.

The NCAA has certainly been a good citizen, and as I just read to you, 87 percent of all their revenues are returned to the tax-exempt NCAA member institutions.

So it should be said here that this is a worthy program. The NCAA is not at the trough here trying to suck up Federal dollars. The NCAA and its member colleges and universities are willing to make substantial contributions, over 50 percent, to the National Young Sports Program.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Washington, [Mr. GORTON] is recognized.

Mr. GORTON. The Senator from Arizona has referred to a letter from the executive director of the National College Athletic Association of September 27 and has put that in the RECORD, as I had intended to do.

I ask unanimous consent that at the end of that letter there also be printed a copy of the NCAA budget which is 1 year more up to date than the one which the Senator from Iowa spoke to and has both the 1992-93 budget and the 1993-94 budget, simply so that that will be a part of the same RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I wish to emphasize the Senator from Arizona is entirely correct. Close to 90 percent of all of this quite large amount of money which goes through the NCAA does go back to these member institutions for their own programs.

One will note in the budget for each of these years that exactly the same number of dollars, 100 percent of the dollars, which come in for the National Youth Sports Program goes back out for that purpose, right to the last percent.

The Senator from Iowa talked about the fact that they publicize only themselves. I have here in my hand the sole promotional, 30-second television spot on the National Youth Sports Program. I can assure my colleagues that the lead-in to that program is a large credit to the Department of Health and Human Services of the Government of the United States, the only such program they have put out.

Mr. President, generally speaking, I think the Senator from Arizona and I figure that when you are ahead, you probably should stop talking and get a vote. The two leaders may be reluctant, but it is a vote nonetheless, and we are grateful for it.

The PRESIDING OFFICER. Is there any further debate on the amendment?

The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

So the amendment (No. 973) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I ask unanimous consent to lay aside the pending committee amendment in order to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 974

(Purpose: To freeze funding for the Corporation for Public Broadcasting)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. WALLOP, Mr. LOTT, Mr. GRAMM, Mr. SMITH, Mr. HELMS, Mr. BROWN, and Mr. NICKLES, proposes an amendment numbered 974.

In lieu of the language proposed to be inserted on page 63, line 14, insert the following: "\$292,641,000".

Mr. HARKIN. Mr. President, I understand that the Senator would be willing to enter into a time agreement.

I ask unanimous consent that the time on this amendment be limited to 50 minutes, 25 on each side; 25 minutes under the control of Senator MCCAIN and 25 minutes under the control of Senator INOUE.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I thank my friend from Iowa. I mention to the distinguished manager of the bill that I probably will not use all the 25 minutes allowed to me. It is my understanding that the other side has five speakers that wanted 5 minutes each. I do not intend to use all of the 25 minutes on this side.

Mr. President, on behalf of myself, Senator WALLOP, Senator LOTT, Senator GRAMM, Senator SMITH, Senator HELMS, Senator BROWN, and Senator NICKLES, I propose this amendment, which is a very simple one. All it does is return the appropriations for fiscal year 1996 to the previous year's level, which was the amount that was requested by the President.

I do not always agree with President Clinton, but when I do, and when I recognize a concerted effort on his part to control spending, as he has here, then we have, I believe, an obligation to support him. I believe we have to cut

spending. We have here an opportunity to do so.

In fact, we would not even be cutting spending. We would be in keeping with the administration's request and the amount of appropriations that is being submitted by the other body.

Mr. President, this is clearly an issue of priorities. Do we increase funding for the CPB in excess of the President's request and the House-passed amount, or do we control spending and lower the deficit? Clearly, we cannot do both. The President himself stated that when he was a candidate increased funding for the Corporation for Public Broadcasting was not needed at that time.

In a July 1992 interview with C-SPAN, then Governor Clinton stated:

I support public television. I do not know that we have to spend more money on it now. We have a pretty vital network of public television. In the next few years, we have to focus most of our increased investment on investment or just on those things which will generate more wealth for the United States. In the beginning, we have got to focus on increasing our capacity to generate jobs and incomes in America because that is where the real problems are.

The Corporation for Public Broadcasting board member, Mr. Victor Gold, stated:

I would like to again take up the matter of CPB's request for an increase in funding for FY '96. At the May meeting, I expressed my support for the Clinton administration's effort to hold the line on one area of Federal spending by freezing the CPB budget at its 1995 level.

As I said then, it is a truism that everybody talks about the Federal deficit and the need to trim the budget, but nobody is willing to make sacrifices towards that end. President Clinton has asked for a freeze on public broadcasting for 1996 at \$292.6 million. I support the President in his effort to restrain Federal spending in this area, and oppose CPB's efforts to increase that amount.

This is not an attack on the Corporation for Public Broadcasting, Mr. President. We went through that drill last year at great length. I have serious concerns about the CPB. I have serious concerns about where they are spending their money, how, and fairness in the program. In fact, I have deep concerns about their compliance with the law, the very difficult compromise that the distinguished Senator from Hawaii arranged last year concerning programming content and review.

But, Mr. President, that is not what this issue is about. If we fund the CPB at the level requested by the President, no programming that I know of will be in jeopardy. According to Diane Blair, the President's nominee to the CPB, public television broadcasting already has a 98-percent penetration rate. Although I acknowledge that public radio may need additional funding so that remote areas in places such as Alaska can pick up a signal, I believe such funds could be diverted from CPB's overhead and administrative costs.

Let me point out for my colleagues that last year was the best year in history for public broadcasting, which

earned a record \$1.8 billion. Barney, paid for with taxpayers' dollars, is making millions, while giving nothing back to the taxpayers. And, at the same time we are asking others to sacrifice, National Public Radio is building a lavish, new headquarters here in our Nation's Capital.

As I stated, Mr. President, it is a matter of priorities. Do we spend money in excess of what the President requested, or do we show some fiscal restraint?

What may have to be curtailed is CPB administrative costs. But, Mr. President, at a time when President Clinton is asking for shared sacrifice, I believe that means we must all share in that sacrifice, including the CPB.

I urge my colleagues to follow the action of the House and support the President's request for CPB funding at last year's level.

I know some very strong arguments will be made by my colleagues in behalf of this increase. I would point out that there are arguments in favor of increasing funding for almost every program I know. I believe that, at a time where we are running an over \$4 trillion debt and a \$300 billion annual deficit, that this is a very small step in that direction.

Mr. President, I reserve the remainder of my time.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii, [Mr. INOUE], is recognized.

Mr. INOUE. Mr. President, I rise in support of the funding level for the Corporation for Public Broadcasting [CPB] included in the Labor-HHS appropriations bill. The Appropriations Committee approved \$320 million for fiscal year 1996. This amount is well below the authorized level of \$425 million and is the minimum necessary for CPB to continue its mission to provide quality, educational programming.

CPB will need this funding to face several significant issues in the coming years. As new technologies become cheaper and more accessible, they also present new opportunities for CPB to expand its mission. Direct-to-home satellite television, video compression, new standards for digital transmission all require CPB to remain at the leading edge of scientific and market advances.

At the same time, CPB must maximize its resources to address the failures of our current educational system. No one involved in education can claim success when more than 90 million of our citizens remain illiterate. The ability to read is essential for becoming a happy and productive member of our society. We all must take responsibility for this enormous failure of our educational system. One way to address this issue is to ensure that CPB has the resources to expand and continue its essential educational activities.

Last year, the Congress passed the Public Broadcasting Act authorizing the CPB for fiscal year 1994-96 by an overwhelming vote of 84 to 11. When the last Congress considered the CPB authorization bill, Senator LOTT offered an amendment to freeze the authorized level of spending for CPB. That amendment was defeated by a vote of 75 to 22. The bill that eventually passed the Senate included an authorization level of \$425 million for fiscal year 1996. The amount contained in this Labor-HHS bill is \$105 million less than the amount authorized. This amounts to a funding cut for CPB of 25 percent from the authorized level. Although I believe that the amount contained in this appropriations bill falls short of what CPB should receive, I must commend Senator HARKIN and the Appropriations Committee for demonstrating such fiscal responsibility in this bill.

Let me take a minute to spell out what a freeze on CPB funding would mean. Freezing CPB's funding would actually result in a spending cut for public broadcasting. Why is this so? First of all, a freeze amounts to a cut because a freeze does not recognize that inflation makes each dollar of funding less valuable. Anyone involved in public broadcasting will tell you that the rate of inflation for the costs of producing programming is higher than the general level of inflation for society as a whole. Furthermore, a freeze in funding fails to recognize that the inflation rate in 1995 may be much higher than it is today. Let us not forget that the proposed amendment would freeze the funding for fiscal year 1996 at the level of funding already appropriated for fiscal year 1995. But the inflation rate for that year may not be as low as the 3 to 4 percent that exists today. Thus a freeze at the fiscal year 1995 funding level could cut severely the ability of public broadcasting to maintain its existing services.

Perhaps most important, a freeze in funding ignores the legislative mandate that Congress has imposed upon public broadcasting. Under the Public Broadcasting Act, the CPB is charged with the responsibility to make public radio and television available everywhere in the United States. The goal of 100-percent coverage has not yet been met. Each year, more and more stations join the ranks of public broadcasting. Under the formulas set forth in the Public Broadcasting Act, the CPB must distribute its funding to all public broadcasting stations. Thus, the more stations that receive funding, the less each station may receive. Many stations, and especially rural stations, need their funding to remain constant just to stay alive.

As a result, a freeze in CPB funding will cut funding for public broadcasting stations; it will force public broadcasting stations to cut their ability to

serve children, minorities, and the underprivileged. Let me cite a few examples.

Public television plays a unique role in providing educational services to the American people. These vital education efforts include: programs that prepare children to learn; programs that prepare childcare providers for a greater role in preschool education; programs that encourage the growth of literacy; and programs that expand the use of interactive education technologies; and programs that train teachers to use those new technologies more effectively.

Let there be no mistake about it. A freeze in funding for CPB will mean a cut in funding for each public broadcasting station in this country. A freeze in funding will mean that public broadcasting will fail to reach its goal of serving the entire country, and will hurt rural America especially hard. A freeze in funding will mean that children across this country will fail to have access to educational and informational programming and instruction.

I urge my colleagues to vote against this amendment and support literacy and education for our Nation's children.

Mr. President, last year the Senate, after a long debate, by a vote of 84 to 11, adopted a bill authorizing the funding for the Corporation for Public Broadcasting.

At that time, we approved the funding of \$425 million for fiscal year 1996.

This measure before us and this amendment submitted by my dear friend from Arizona would reduce the number 320 to 292.

Though the authorization was \$425 million, the committee, being sensitive to the fiscal condition of this country, decided to cut the authorization account by 25 percent. The amount that is before us is 25 percent less than what is authorized.

Senator MCCAIN wishes to further reduce the 320 by \$28 million. I can understand the Senator's desire to be fiscally responsible. I join him in this effort. But may I most respectfully advise my colleagues of the impact this amendment would have.

This amendment does not take into consideration the rise in inflation, and we know it is going to be more than 3 percent.

Second, at the present time, we have about 350 radio stations and about 350 public television stations. These stations are being subsidized by the Corporation for Public Broadcasting. Why am I concerned about this amendment? If this amendment goes through, the Ready to Learn Program that we wanted very much to have—\$10 million for children's television—would be wiped out.

I believe all of us should shamefully acknowledge the fact that 90 million of



our fellow citizens are illiterate. Something has gone haywire with our educational system. And through this small means, we are trying to lift that level of intellectual ability in the United States.

Furthermore, this amendment would cut out programs like "MacNeil/Lehrer." I think that is a pretty good program. If this amendment were in effect last year, the "Civil War" series would have been wiped out. "Wall Street Week" with Louis Rukeyser would be wiped out. "Masterpiece Theater" would be wiped out, along with the funding for the minority consortium. It has been the intent of this committee to encourage minority producers, minority businessmen, to enter into this business—Native Americans, African-Americans, Asian-Americans, Hispanic-Americans. That would be all wiped out.

I am sorry that the President—or shall I say OMB—in declaring a freeze at the 1995 level was not aware that the impact would be this deadly. I think it would be not one step backward, it would be a massive jump backward; and I hope that this committee, this Congress, will reject this amendment, as we have in the past.

This amendment is not just a spending cut; it will be a massacre because we will not be able to fund the new stations that we have been encouraging. Mr. President, are you aware that each year, as a result of our program, we have been able to encourage 10 to 20 new public radio stations and about 3 to 4 public TV stations every year? This increase in public broadcasting's reach would be wiped out.

So I hope my colleagues will reject this amendment.

I am pleased to yield 5 minutes to my colleague from Mississippi.

Mr. COCHRAN. Mr. President, I am constrained to rise in opposition to my good friend's amendment. Last year, we adopted the Ready To Learn Act, which provided, for the first time, authority for funds to be made available for the development of special programs targeted to preschool children, to help them fulfill the first national education goal—and that is to come to school ready to learn.

Some may know that I serve on the National Education Goals Panel with my friend from New Mexico, Senator BINGAMAN. We are the two Senate representatives on that panel. And by reason of that experience, we have been trying to design legislative responses to some of the real problems that we have uncovered that exist out there in the real world. One of them is that many children spend hours in front of television sets—many preschool children who are not properly supervised by parents—but in many cases they are not learning anything from that experience. They are taking up a lot of time, and they may be entertained.

One of the great opportunities we have is to utilize the magic of television to stimulate the learning experience among preschool children. But there is a big void there, a great absence of innovative programming in the development of programs that will use the knowledge we have about how you capture the attention of a young student like that, or prospective student, and equip them with the knowledge that will help them when they go to school.

That is what this extra money is for in the Corporation for Public Broadcasting account. We added \$10 million over last year's funding amount to make room for an experiment, to try to encourage and stimulate through grants the development of these special programs.

I hope the Senate will reject this amendment, because to adopt it would wipe out those funds that are included in this bill for that important new program. We are challenged because students are not doing well in school. We are worried because they are dropping out and they are opting for a lifetime of crime and drug dealing and other behavior that is destructive and not constructive. We hope this is one modest step that we can take that will help turn that around. So I hope the Senate will reject this amendment.

Mr. INOUE. Mr. President, I am pleased to yield 5 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I rise to oppose the amendment of the Senator from Arizona. I want to call the Senate's attention to the Corporation for Public Broadcasting Act, which specifically spells out that it is in the public interest to encourage the development of programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities.

I ask unanimous consent that we have printed in the RECORD at this point the announcement that appeared in the Fairbanks Daily News Monitor on the 28th of this month.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Fairbanks Daily News Monitor, Sept. 30, 1993]

#### RADIO STATION TO GO ON THE AIR IN FORT YUKON

FORT YUKON.—Fifth graders here will report on whales in the Yukon River for the start of Alaska's newest public radio station, Fort Yukon Gwandak Public Radio, KZPA 900 AM.

Many other special events will mark first day of broadcasting, scheduled for Thursday at 1 p.m.

Second Traditional Chief David Salmon will conduct a blessing ceremony after which will follow a traditional potlatch and dance. Commentary on subsistence will be given by Steve Ginnis.

Music will be played by high school disc jockeys and messages will be sent to communities in the Yukon Flats.

The radio station will serve Arctic Village, Beaver, Venetie, Chalkyitsik and Birch Creek.

Mr. STEVENS. This article deals with the opening of a new station, a new radio station at Fort Yukon. I brought this map so that the Senate can see this. This is Fort Yukon, above the Arctic Circle. There are three stations, one at Kotzebue, one at Point Barrow, and one at Fort Yukon. This one has been waiting a long time. It is an expansion of the Public Broadcasting System. It will, as the report indicates, allow reports of whales in the Yukon River. It will be the newest public radio station. They will have special broadcasting for the communities all along this area. The station will serve Arctic Village, Beaver, Venetie, Chalkyitsik, and Birch Creek. None of those communities up here have any radio coverage or local news at all.

It is the expansion of the system that continues to interest me.

Let me remind the Senate that CPB is forwarded funded by 2 years. That was designed by my friend, Senator Goldwater from Arizona. Working with him we worked out a situation that we would have moneys authorized and appropriated on a forward funding basis.

So this money that we are talking about today is for 1996. We have a limitation in the law that provides that we can only appropriate an amount which is 40 percent of the amount that was actually contributed by the public to the Public Broadcasting System 2 years previously. In other words, we are limited by the law in providing Federal funds to 40 percent of the non-Federal support.

My State, for instance, supports this public broadcasting to the tune of about \$5 million. We do so because there are many areas in my State that have no daily news service, and it is the expansion of the public radio communications and television network that really is needed in unserved and underserved areas.

Mention has been made that the administration may not be in support of this bill. I have before me the statement of administration policy that indicates that the administration supports Senate passage of this bill as reported by the committee, and will work with the Congress to address the concerns. So none of those concerns indicate any lack of support for the appropriation in question.

I am interested because what the Senator does really with his amendment is to impose a freeze on the Corporation for Public Broadcasting. It will hurt individual stations and it will harm the system altogether. It really amounts to rewriting the formula for the Corporation for Public Broadcasting because it suppresses by the formula by not appropriating the moneys to meet the increased public support and to meet the increased cost brought about by inflation.

This system is heavily relied upon in the rural areas such as the rural portions of my State. Keep in mind, Mr. President, this State is one-fifth the size of the United States. It has a very limited series of public stations.

I will ask to print in the RECORD the effect of a freeze on Federal appropriations to the stations in my State, and the Senate will see that the actual amount for 1996 will be substantially less than the amount that is being spent just this year if we follow the approach of the Senator from Arizona and put a freeze on this spending.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EFFECT OF FREEZE IN FEDERAL APPROPRIATION TO CPB ON INDIVIDUAL GRANTS TO STATIONS

FY 1994 Appropriation \$275.0 million.  
FY 1995 Appropriation \$292.6 million.  
FY 1996 Appropriation (projected) \$292.6 million.

CPB GRANTS TO STATIONS

State and call	Actual fiscal year 1994 CSG/ <sup>1</sup> NPPAG <sup>2</sup>	Estimated fiscal year 1995 CSG/ <sup>1</sup> NPPAG <sup>2</sup>	Estimated fiscal year 1996 CSG/ <sup>1</sup> NPPAG <sup>2</sup> @ fiscal year 1995 funding level
Homer, AK.KBBI-AM	127,732	130,287	123,772
Barrow, AK.KBRW-AM	334,255	340,940	323,893
Sitka, AK.KCAW-FM	131,085	133,707	127,021
Valdez, AK.KCHU-AM	137,305	140,051	133,049
Dillingham, AK.KDLG-AM	145,349	148,256	140,843
Petersburg, AK.KFSK-FM	113,813	116,089	110,285
Haines, AK.KHNS-FM	114,572	116,965	111,117
Kodiak, AK.KMXT-FM	130,841	133,458	126,785
Kotzebue, AK.KOTZ-FM	226,026	230,547	219,019
Ketchikan, AK.KRBD-FM	121,661	124,094	117,890
Anchorage, AK.KSKA-FM	139,794	142,590	135,460
McGrath, AK.KSKO-FM	119,477	121,867	115,773
Wrangell, AK.KSTK-FM	109,896	112,094	106,489
Juneau, AK.KTOO-FM	164,713	168,007	159,607
Fairbanks, AK.KUAC-FM	150,303	153,309	145,644
Bethel, AK.KYUK-AM	179,799	83,395	174,225

<sup>1</sup> CSG—Community Service Grant.

<sup>2</sup> NPPAG—National Production and Program Acquisition Grant.

Mr. STEVENS. Mr. President, we believe that this system should support the minority consortium, the multicultural programming effort that is national in scope. It means a great deal to Alaska Natives, to the Indian communities throughout the country. Out of this Corporation for Public Broadcasting is paid one-half of the interconnection for public television. That also would suffer if the Senator's amendment is passed.

We had a hard fight on the authorization. I hope that we will stay with this system. I know there is a lot of controversy about it. I remember some long discussions that I had out here on the floor with Senator Goldwater in the days that he was very specific about trying to urge this system to be fair and to be unbiased.

As a practical matter, what we are looking at now is trying to keep the Federal Government to the point where we promised we would go. We have promised that we would support the system to the extent of 40 percent of

the non-Federal support for this broadcasting system, and I hope that the Senate will maintain that.

I oppose the Senator's amendment because I think that the CPB reauthorization bill that passed in the last Congress gave us a projection of funding people have relied upon, and we ought to try to our best to fund that. As the Senator from Hawaii has pointed out, the \$320 million mark is a long way from the authorization of \$425 million.

We have been fiscally responsible. We cut it a lot more than I would like to cut it.

I urge the defeat of the Senator's amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I, as always, pay close attention to the words of the Senator from Alaska, and I certainly appreciate his compelling words in behalf of Native Alaskans.

I would, however, make one additional point, and that is that if the native Americans that I know were given a choice between being able to listen to public radio or have the very terribly underfunded programs concerning alcohol abuse, fetal alcohol syndrome, substance abuse, Indian education, and others, I think they would opt for additional funds to be spent in those very vital areas.

I would also like to point out, Mr. President, that the Corporation for Public Broadcasting has been doing pretty well from the information source for the Corporation for Public Broadcasting, November 1992. In 1985 the Corporation for Public Broadcasting received \$150 million. If my amendment is defeated they will have \$320 million. And if it is not defeated, they will still have nearly doubled since 1985 to \$292 million.

I understand the expanding need for public broadcasting, but I would suggest that the Corporation for Public Broadcasting has probably done better than most. I would be more than happy again to have a long discussion and debate about whether the Corporation for Public Broadcasting is really needed as much as it was many years ago when the American people had very few sources of information and news. In the case of television, three major networks were the source of their news. Now they can switch to one of many channels on their television set.

When we talk about programs that are of educational and cultural interest, there are now on cable television many additional programs, A&E, Discovery Channel, and others, which are not funded by the taxpayers.

Again, if we were not facing a \$4-plus trillion debt and a multihundred billion dollar a year annual deficit, Mr. President, I would not be here with this amendment. But I have heard the message from the people that I represent and they say they want us to

cut spending. I am not cutting spending with this amendment. I am telling them to make do this year with the same amount of money as last year. I do not think that is a enormous sacrifice to be asked.

So, especially again, in light of the fact that in the view of many other vital programs there, they are underfunded—other programs are being frozen; some are even being cut—I am very uneasy about the continued real reductions in defense spending—real reductions, I might add, not cuts in increase in spending like we talk about the cuts in many other programs, I am talking about real reductions.

So, Mr. President, I would like to say that if we cannot start by freezing—not cutting, but freezing—the amount of money that the Corporation for Public Broadcasting received last year, keeping it at that same level, I do not have a great deal of optimism about our ability to make the kind of spending cuts which will be necessary, indeed vital, for our Nation's future.

Sooner or later, as we all know, we are going to have to pay the national debt. Unfortunately, it may be our kids. But I, frankly, cannot justify the increase that is being sought in this bill by the Senate alone. Neither the other body nor the President of the United States has sought an increase.

I understand we have further speakers. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona reserves the remainder of his time.

The Senator from Hawaii.

Mr. INOUE. Mr. President, I yield 4 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington, Mr. GORTON, is recognized.

Mr. GORTON. Mr. President, I have been a supporter of public broadcasting for many years. I believe strongly in the significant contribution that public radio and television have made and continue to make to America's cultural life. Both are national treasures, showcasing the best of American culture and history, providing a valuable source of entertainment and information and filling a true need for educational programming on television.

In addition, public radio has embarked on a project to reach the 14 percent of the population which does not yet receive public radio. CPB has also committed resources to increasing service to rural and minority stations, many of which now operate on a shoestring budget. This amendment would put those goals in jeopardy.

CPB funds have made a real impact on people's lives in my state.

The level of funding in this bill is necessary for maintaining expansion efforts and the health of the entire



public radio system. A freeze in funding would mean cuts in grants to existing stations and the group of new expansion and minority stations. If fiscal year 1996 funds are frozen at fiscal year 1995 levels, the average station's 1996 grant is estimated to be 4 to 5 percent less than the 1995 grant.

While the authorization level for CPB for fiscal year 1996 is \$425 million, we are talking here of only \$320 million, with \$10 million for "Ready To Learn." That level of funding will keep the Nation's public broadcasting system healthy while recognizing the new, important commitments of reaching educational goals and bringing service to rural and minority stations. A freeze would put stations, especially small stations that are more dependent on CPB support, in jeopardy. I urge you to oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE. How much time remains?

The PRESIDING OFFICER. The Senator from Hawaii has 6 minutes and 30 seconds.

Mr. INOUE. I yield 6 minutes and 30 seconds to the manager of the bill.

Mr. HARKIN. I thank the Senator for yielding to me. I do not intend to take that much time.

However, Mr. President, I do just want to make some comments in opposition to the amendment and in support of the committee mark. Our mark is \$27 million over the House mark and the administration request for fiscal year 1996. Let us keep in mind we are talking about fiscal year 1996.

Of this amount, \$17 million is required just to maintain current services, and \$10 million, as was pointed out, is recommended to begin the "Ready To Learn" program.

Keep in mind, Mr. President, that inflation in the communications industry is running very high, much higher than for other goods and services. While Federal funds represent only 16 percent of total public broadcasting revenues in this country, for rural and minority stations the money we appropriate represents a much higher percentage of the revenue.

So this increase of \$17 million is necessary in order to maintain current services; that means to keep some of these smaller and more rural stations alive.

Again, keep in mind, these small stations do not have the great fundraising capabilities like some of the larger stations, perhaps, in Washington, DC, and places like that, where they can raise money.

But these small stations do not receive an amount which will enable them to cover the increased cost of operating expenses. Then I think we should all be aware that the result would be that many of the smaller and rural stations would have to close, sta-

tions in places like Alaska. In the offerer's own State, I do not know if there are any in Arizona, but in some of the more rural States, these stations would simply not have the wherewithal to continue to operate.

When Congress reauthorized public broadcasting last year, we directed that they expand service to those not now being served by public radio or television each year.

Again, that costs some money. But it was the intention of Congress to broaden public broadcasting to get it into areas that had not been served.

So it does not seem fair, after we directed them to do that in 1 year, that now we turn around and say, "However, we are going to cut your money and not allow the additional funds to be used to do this."

The already existing stations will pay the price if funding is not increased over last year's level. So that is really what we are about here, is fulfilling the mandates that this Congress went on record last year with, and that was to expand public broadcasting in those areas that are not served.

Again, part of the money, as I pointed out, \$10 million, on the "Ready To Learn" program, a very important program that the Senator from Mississippi is very interested in and spoke about.

So, again, if the goal is to close some small rural stations, or if you want to cancel or postpone the start of the "Ready To Learn" program, if we want to mandate that public broadcasting do certain things and then say, "However, we are not going to give you any money to do this," then, obviously, I think you should support the amendment offered by the Senator from Arizona.

But, again, if we want to fulfill the mandate of public broadcasting and get the "Ready To Learn" program going and make sure that it fulfills its congressional mandate, then I submit that the \$27 million is needed to ensure that the Corporation for Public Broadcasting is able to meet the mandate of Congress.

I reserve the remainder of the time for the manager of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator from Hawaii yield me some time?

Mr. MCCAIN. Mr. President, I note the presence of the Senator from Massachusetts. I do not think the Senator from Hawaii has much time left. I would be glad to yield him time if he would like to use it.

I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. I thank the Senator from Arizona.

Mr. President, I want to address one program which has been referred to by

the Senator from Iowa and also the Senator from Mississippi. The provisions in this bill include funding for the Ready To Learn Act, an important step forward in children's educational television programming.

I think many of us have been concerned for a long period of time about how to reduce both violence on television and also to encourage the networks to devote more resources to the development of children's educational programming. What we have learned through many studies over the years is the power television has to positively impact on the learning and educational development of young children. Constructive and positive children's programming, particularly that targeted to children at the earliest stage of their educational experience, can greatly enhance school readiness. This offers a vital opportunity to impact children who are spending so much time watching television, particularly those neediest children who do not have the kind of parental supervision, Head Start or other kinds of activities that can have a positive educational impact.

It has been a pleasure to work with the Senator from Mississippi on a number of different programs utilizing educational technologies, both in school and preschool "Ready To Learn" Program which we sponsored last year. The Senator from Iowa and other Members here have expressed strong support for these approaches to expanding our tools to deliver quality educational materials to all children.

I think any of us who have seen the star schools program in action, serving children in rural areas and underserved areas with educational programming, have been tremendously impressed with what educational television can offer—particularly at a time when there have been limited resources in many of these school districts.

The Ready To Learn Program was really focused and developed as an opportunity to strengthen children's learning at the earliest opportunity in their educational experience. It is consistent both with President Bush and President Clinton's hope, and the goal put forward by the Governors to ensure every child is ready for school. Over the air broadcasting by public television offers an opportunity to permit the maximum number of children to benefit from educational television programs.

I want to just indicate that I think this is a very modest program which is included in the CPB authorization, but one I believe can be useful and helpful to all children in their preschool years. I am very pleased that the Appropriations Committee has provided funds for it in this year's bill.

I thank my colleague from Arizona for yielding me time on this to make a brief comment.

Mr. President, public broadcasting is one of the great success stories in the Nation. It has been responsible for some of the finest programming on television—presenting important educational and informational programs that are not available in commercial network broadcasting.

Public support for public broadcasting is widespread. It involves partnerships with the private sector, and it also involves individual support, which is generously given through call-in pledges. This impressive support underscores the broad-based national commitment to quality and integrity for which public broadcasting is well-known.

The Corporation for Public Broadcasting annually awards grants to local stations, which is where the programming and editorial decisions are made. This process ensures that stations will be responsive to their viewers and accountable to the communities they serve.

Millions of families throughout America have benefited from public broadcasting and many of us would like to see these benefits expanded. But with limited budget resources, the committee bill is generally able to maintain only the current services level of funding for the Corporation for Public Broadcasting. That means a cost-of-living increase from last year's level of funding so that CPB can avoid cutting back on its current services.

The one new program that is funded in this bill is Ready To Learn Television. Ten million dollars of new funds are set aside for this effort which will help public broadcasting stations develop school readiness programs for very young children.

Improved school readiness is one of the six key goals of our education reform efforts. Far too many children who enter school are not ready to learn. To address this critical problem, the Labor and Human Resources Committee approved the Ready To Learn Act last October. It is a bipartisan bill which recognizes that television can be a primary resource in our national effort to increase school readiness. It had the strong support of Senators MITCHELL, DOLE, INOUE, STEVENS, and COCHRAN, and their support facilitated prompt enactment of the legislation. The Corporation for Public Broadcasting and the individual public broadcasting stations are committed to producing programming that will improve school readiness, and they are able to deliver such programming to the widest possible audience.

I urge my colleagues to reject this effort to reduce funding for the Corporation for Public Broadcasting. Its mission is far too critical and its role is far too essential for Congress to enact such a cut. In particular, the cut would in all probability mean that the Ready To Learn programs will not go forward.

Whatever our views in hindsight about the missed opportunity for CPB to have shared in the financial windfall from the success of Barney, it would be a mistake to penalize the Corporation by cutting its funds.

CPB's distinguished record has earned the respect of teachers and parents. It deserves the support of Congress. I urge my colleagues to oppose this amendment and enable the Corporation to continue its important work in children's educational programming.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator MACK be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I had a request for time from Senator GRAMM, the Senator from Texas, who I hope is on his way over. I also understand the leadership was not interested in a vote before 7. So, in the absence of that, I suggest the absence of a quorum with the time to run concurrently.

The PRESIDING OFFICER. Without objection, the time will be divided equally.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, many people do not think there is much President Clinton and I agree on. Well, one issue on which we do see eye to eye is providing a responsible level of funding for the Corporation for Public Broadcasting.

When candidate Clinton was asked in a C-SPAN interview if the American taxpayer should spend more money on public television, his answer was, "Oh, I support public television. I don't know that we have to spend more money on it now, we have a pretty vital network of public television."

While both the House and the President asked public broadcasting to live within last year's budget, the Senate Appropriations Committee has given public broadcasting a \$27.3 million raise. At the same time, the Senate committee has underfunded the president's investments in Head Start, immunizations, Education Goals 2000, and the School to Work Program.

No doubt about it, Federal funds are difficult to come by these days. The Congress has looked carefully at spending on everything from the supercollider to the honey program. Why should money for public broadcasting escape our oversight? Particularly when CPB boasts in its publication

"CPB Today" that, despite the recession, public radio and television entities brought in a record \$1.8 billion in income.

#### LET'S REINVENT PUBLIC BROADCASTING

If there was ever a Government-financed organization that needed to be reinvented it is public broadcasting. Yet, I was disappointed that Vice-President GORE's National Performance Review did not contain a single mention of the Corporation for Public Broadcasting. There is a lot that could be done to make CPB a more cost effective organization.

Many of my colleagues strongly support additional funding to expand public broadcasting to underserved areas. I am all for that, but before writing CPB a big check maybe they need to look at some of the duplication in the system. In the Washington, DC market there are seven CPB-supported public television stations. Even the small city of Bowling Green, KY, receives service from two PBS stations. If we can streamline the Agriculture Extension Service, why can we not take a look at public broadcasting?

#### AMENDMENT WOULD PROTECT LOCAL STATIONS

Like many in the Senate, I am a strong, long-time supporter of local stations, which often survive on shoe-string budgets while the biggest stations command the lion's share of production dollars. I have personally contributed to public broadcasting, and have fought to bring a fair share of available Federal dollars to public stations in Kansas.

To protect funding for local stations this amendment would establish a funding floor of \$229 million for these broadcasters—exactly what these stations would receive if we give the full \$320 million funding level. By guaranteeing a minimum funding level for local stations, the Senate will force CPB to reduce its bureaucracy and eliminate waste in its own organization.

#### BARNEYGATE

One revenue source public broadcasting needs to pursue more aggressively is merchandise licensing fees. Take for example, Barney, the smiling purple dinosaur known to millions of America's children who watch the PBS series "Barney & Friends."

Barney is not just a dinosaur—he is a cash cow. According to the "Washington Post", sales of Barney merchandise could reach one-half billion dollars per year, and the licensing fees merchandisers pay for the privilege of making the more than 200 Barney products could be as high as \$50 million per year. I do not have any problem with that. From what I understand, "Barney & Friends" is an excellent program, Barney is a lovable character, and more power to his creators for producing jobs and capitalizing on his blockbuster popularity.



What I do have a problem with is the fact that despite putting up \$2.25 million between them—much of it tax dollars—to launch "Barney & Friends" last year, the taxpayer-supported Corporation for Public Broadcasting and the Public Broadcasting Service have not seen one dime from Barney merchandise.

The "Parsons Sun" in my State gave CPB this advice:

There is no reason a grant cannot have a provision for a percentage return on profitable side ventures, should they develop. Networks and private financing would have received a considerable return had they been the ones to provide the up-front money.

I am certain there are many businessmen and women across the country who would love to have the Government put up the money to start a new venture—especially when they learn the Government will have no call on the profits. This system was raised when we last authorized the CPB, we were told it would end, and yet it continues unabated today.

#### CONGRESSIONAL CALLS FOR REFORM IGNORED

Last year the Senate reauthorized public broadcasting with the Public Telecommunications Act of 1992. One of the stated goals of that act was to increase objectivity and balance programming by the Corporation for Public Broadcasting. The bill specifies that the board of directors of the Corporation shall report to Congress by January 31, 1993 on "Facilitating objectivity and balance in programming of a controversial nature." I have yet to receive a copy of that report.

No doubt about it, problems with balance still remain. The Corporation still has not commissioned a conservative series to balance "Frontline" or "Conversations with Bill Moyer." Last time I checked, a rotating group of conservatives remain on permanent audition for David Gergen's spot on "MacNeil-Lehrer." I would like to see them make a real conservative a permanent member of the MacNeil-Lehrer family.

#### CONCLUSION

No matter what you may think of the quality or the fairness of CPB programming, the question remains that with so many important unmet needs in this bill—from education for the disadvantaged to childhood immunizations—can we afford to give CPB a huge raise this year? The President has said no, the House has said no, and now I urge the Senate to say no.

There is no question that there is some quality programming on public television, but with the deficit as national issue No. 1, no Federal subsidy can escape reasonable cuts by simply yelling "quality"—that goes for public broadcasting, Defense, farm programs, Congress, the White House, and every other quality program the taxpayers are supporting. It is time for the Corporation for Public Broadcasting to tighten its belt and reinvent itself as a leaner, more efficient organization.

Mr. LEVIN. Mr. President, I will vote against the McCain amendment although I am concerned that the amount in the bill reported by the committee exceeds the amount authorized for the Corporation for Public Broadcasting by \$10 million. If the amendment had cut back the amount recommended by the committee by that \$10 million instead of the full \$27 million in the amendment, I could have supported it. However, I believe that the cut of \$27 million in the McCain amendment would have resulted in the dropping of some of the programming for which the Corporation for Public Broadcasting has been justifiably praised.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I have no further request for time on this side. I yield the remainder of my time on this side.

The PRESIDING OFFICER. The Senator yields his time.

The Senator from Hawaii has 2 minutes and 37 seconds remaining.

Mr. INOUE. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 292 Leg.]

#### YEAS—25

Bond	Faircloth	Mack
Bradley	Feingold	McCain
Brown	Gramm	McConnell
Coats	Gregg	Nickles
Cohen	Hatch	Pressler
Coverdell	Helms	Smith
Danforth	Hutchison	Wallops
Dole	Kohl	
Dorgan	Lott	

#### NAYS—72

Akaka	Campbell	Feinstein
Baucus	Chafee	Ford
Bennett	Cochran	Glenn
Biden	Conrad	Gorton
Bingaman	Craig	Graham
Boren	D'Amato	Grassley
Boxer	Daschle	Harkin
Breaux	DeConcini	Hatfield
Bryan	Dodd	Heflin
Bumpers	Domenici	Hollings
Burns	Durenberger	Inouye
Byrd	Exon	Jeffords

Johnston	Mitchell	Roth
Kempthorne	Moseley-Braun	Sarbanes
Kennedy	Moynihan	Sasser
Kerry	Murkowski	Shelby
Kerry	Murray	Simon
Lautenberg	Nunn	Simpson
Leahy	Packwood	Specter
Levin	Pell	Stevens
Lieberman	Reid	Thurmond
Mathews	Riegle	Warner
Metzenbaum	Robb	Wellstone
Mikulski	Rockefeller	Wofford

#### NOT VOTING—3

Kassebaum	Lugar	Pryor
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So the amendment (No. 974) was rejected.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the following be the only floor amendments remaining in order to H.R. 2518, the Labor, HHS appropriations bill; that they be subject to relevant second-degree amendments, if applicable, and that any amendment not offered by noon tomorrow shall no longer be in order. And the amendments listed are an amendment by Senator HELMS regarding Medicaid, an amendment by Senator HELMS regarding Social Security, an amendment by Senator HELMS that is relevant, an amendment by Senator HELMS that is relevant, an amendment by Senator GRAMM of Texas that is relevant, an amendment by Senator D'AMATO regarding civil rights, an amendment by Senator BROWN that is relevant, an amendment by Senator BROWN that is relevant, an amendment by Senator GREGG that is relevant, an amendment by Senator SPECTER that is relevant, an amendment by Senator HATFIELD that is relevant, an amendment by Senator METZENBAUM that is relevant, an amendment by Senator METZENBAUM that is relevant, an amendment by Senator KENNEDY that is relevant, an amendment by Senator BIDEN regarding drugs, an amendment by Senator BYRD that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator MURRAY that is relevant, an amendment by Senator HARKIN that is relevant, an amendment by Senator HARKIN that is relevant, an amendment by Senator HARKIN in the nature of a managers' amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Madam President, I modify my request by making clear that the managers' amendment by Senator HARKIN is in the plural, managers' amendments. There may be more than one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, the managers have advised me that they are prepared to remain in session this evening to consider and debate any amendment which any Senator wishes to offer from among those on the list just incorporated into the agreement just approved.

When we complete action this evening, we will recess until tomorrow morning, and we will be back on this bill at 9:30 tomorrow morning. Any Senator who chooses not to offer his or her amendment this evening would have to do so between 9:30 and noon, thereby, of course, run the risk of not being able to get the amendment up by noon.

So if any Senator wishes to offer an amendment, any Senator may remain here, the managers will stay here as long as it takes to consider these amendments.

I want to make clear that the objective of this is not to foreclose any Senator, but merely to bring this bill to a conclusion in a circumstance which gives every Senator full opportunity to debate the measure, and to offer an amendment. So any Senator who wants to offer an amendment, who is on the list, can stay here. The managers will stay.

There will be no further rollcall votes this evening.

We will complete action on this bill tomorrow and then proceed to one of the other appropriations bills.

I thank my colleagues for their cooperation, the Republican leader, and Senator HARKIN.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, Senator SPECTER and I are here to either accept or debate any amendments that any Senators have. The list was read. It was agreed to. However, I do not think Senator SPECTER wants to sit here all night. He can speak for himself. I know I do not.

Mr. SPECTER. Madam President, I do want to sit here all night.

Mr. HARKIN. I would just say, Madam President, that if any Senator

or staff are listening, we have the agreed upon amendments.

Mr. SPECTER. I concur with what Senator HARKIN has said. We think the 15 minutes would be a reasonable time if any Senator wishes to come over to offer an amendment. We would be delighted to proceed with the bill. In the absence of any such Senator, I see none on the floor now, the odds are substantial that we will not have any, that we would permit the staff and all participants here to return to their other activities, noting that it is 7:30 p.m.

Mr. HARKIN. We will be here about 15 minutes.

Mr. SPECTER. I see unanimous consent evidenced by all the staff members.

Mr. DOMENICI. Madam President, I would like to thank the subcommittee members for their help and responsiveness in identifying the critical issues in this area of jurisdiction and the providing the necessary funding for programs within these tight budgetary limitations.

I would specifically like to thank the subcommittee chairman, Senator HARKIN, and ranking member, Senator SPECTER, for their continued strong leadership on this important bill.

The Senate-reported bill provides \$223.3 billion in budget authority and \$183.0 billion in new outlays for the Departments of Labor, Health and Services, Education and related agencies for fiscal year 1994. The bill meets committee's 602(b) allocation in budget authority and is under the allocation in outlays by \$126.3 million. Domestic discretionary spending totals \$65.3 billion in budget authority and \$30.0 billion in new outlays. When adjustments are made for advance appropriations, prior year outlays, mandates and emergency contingency appropriations, the Senate-reported bill totals \$263.2 billion in budget authority and \$263.4 billion in outlays.

While I may differ with some of my colleagues on some of the funding priorities in this and other appropriation bills, I commend the subcommittee on their collaboration and mutual support for many worthwhile and critical objectives.

For instance, I appreciate the subcommittee's leadership on funding for the mental health budget over the past several years and I appreciate Senator HARKIN's responsiveness again this year.

As a result of the efforts of this subcommittee, it is within the grasp of our medical researchers during this Decade of the Brain to make significant breakthroughs in understanding the brain, identifying the causes of serious mental illness, and developing effective treatments for these devastating illnesses.

By recommending a funding level of \$613,444,000, the subcommittee provides a 5.2-percent increase over the fiscal year 1993 level.

While this is an appreciable increase, funding for mental health research is not funded on comparable basis with other severe diseases.

Therefore, I am pleased that the committee has also provided \$12 million for the discretionary fund of the Director of the National Institutes of Health to support continued activities in the Decade of the Brain.

This funding underscores the importance of the Decade of the Brain and places a particular emphasis on the two lead Institutes for this project, the National Institute of Mental Health [NIMH] and the National Institute for Neurological Disorders and Stroke [NINDS].

It is important to note that NIMH has only recently been incorporated back into the folds of NIH with the passage of the NIH reauthorization bill earlier this year.

It is my hope that the new NIH Director recognizes the significant contributions of NIMH to the Decade of the Brain and also recognizes the great strides we have made in understanding severe mental illnesses.

The report of the National Advisory Mental Health Council, requested by the subcommittee last year, clearly shows that there are many extremely promising and effective treatments for mental illness, which can be even more effective than routinely reimbursed therapies commonly used for serious physical illnesses.

I am pleased that the committee continues to recognize the importance of providing health insurance coverage for several mental illnesses that is equitable to that provided for other major physical illnesses.

Without this equitable treatment we are seeing many families that do not have the strength or resources to provide adequate care for their loved ones suffering from severe mental illness. We then find that many of these persons add significantly to 700,000 to 1 million homeless persons on the streets of our Nation.

This leads me to another issue that I would like to share with my colleagues in the hope that we may be able to achieve at least a modest increase in our conference with the House appropriators.

Since the enactment of the McKinney Act in 1987, the health care for the homeless projects have received only one cost of living adjustment for basic service—3 percent in 1989.

With our Nation's increasing health care costs, these projects have had no choice but to reduce services for our Nation's most vulnerable population.

I understand the budgetary constraints under which we are operating, but I would ask that flexibility be added to the language appropriating funding to any new homeless programs so that these important primary health care projects can avail themselves to some critical new funding.



Finally, I am very pleased that the committee has provided \$10 million in additional funding to the Centers for Disease Control and Prevention [CDC] for infectious disease activities.

This past May, the Four Corners area of New Mexico, Arizona, Colorado, and Utah experienced an outbreak of an unusual respiratory illness resulting in 30 identified cases and 20 deaths.

Fourteen of these cases were identified in New Mexico.

These illnesses have been associated with a previously unrecognized hantavirus which appears to be transmitted through contact with rodents, in particular the deer mouse.

Seventy-five percent of persons confirmed to have been infected with this newly recognized hantavirus have died.

The reaction and cooperation of various State and Federal agencies to combat this disease and provide information to the public has been commendable.

Unfortunately, there is grave concern that the outbreak this past spring was relatively minor and that as the weather turns cooler and rodents begin to seek shelter that we may be confronted with an outbreak of a much larger proportion.

I would be remiss if I did not again share my appreciation with the committee for the \$6 million in funding it provided to address the immediate needs of this illness earlier this year on the supplemental appropriations bill.

The CDC has informed the committee, however, that this illness may not only be confined to the Four Corners area and that as many as 50,000 persons throughout the Nation have been diagnosed with symptoms similar to the hantavirus.

I am pleased that CDC will now have ample resources to continue their efforts to combat and prevent any other outbreaks of the hantavirus and I hope that researchers will soon identify a treatment for this mysterious illness.

I would again like to thank the subcommittee chairman and ranking member, as well as the other members of this subcommittee, for addressing these important issues. I urge the passage of the bill.

Mr. HATFIELD. Madam President, I join the chairman of the subcommittee, the distinguished Senator from Iowa, in supporting H.R. 2518, the Labor, HHS and Education appropriations bill for fiscal year 1994 that is before the Senate today. I want to take this opportunity to thank Senators HARKIN and SPECTER, as well as the other members of the subcommittee, for bringing before the Senate such a comprehensive bill under very tight budget constraints.

The bill contains \$260.9 billion, including \$67 billion for discretionary programs, and encompasses a wide range of services which will benefit the people of this Nation by improving job

opportunities, enhancing educational excellence, and advancing medical research and health services. I am particularly pleased with the balance the committee has struck among the varying programs of the subcommittee. It is no easy task to reconcile the competing human service needs facing the chairman and ranking member, and they have done an admirable job. Let me take this opportunity to highlight some of the critical program recommendations of the bill.

#### DISLOCATED WORKERS

Dislocated workers in Oregon and the Pacific Northwest will benefit from a needed increase in Federal assistance for job retraining. The bill recommends \$1.1 billion for title III of the Job Training Partnership Act to assist States and localities in providing retraining assistance to dislocated workers. This is an increase of nearly \$500 million over last year. These funds are essential for the Pacific Northwest, which has so many communities facing an uncertain economic future due to changes in Federal environmental policies. Coupled with the increases obtained last year, this additional funding will help promote a rapid expansion of services for dislocated timber workers throughout the Northwest.

#### BIOMEDICAL RESEARCH

The bill before us today contains \$10.9 billion to support the National Institutes of Health. These funds will expand medical research into the causes, treatment and cures of the vast array of diseases, and illnesses, many of which are only beginning to be understood. The funds will provide this Nation not only with enhanced health and health care, but also a strengthened economy and an improved competitive position in the world market.

The President's budget for fiscal year 1994 had recommended reductions in 9 of the 19 institutes and centers of the NIH and included increases only for the institutes which were involved in his targeted investment initiatives, AIDS, TB, breast cancer, women's health, and minority health. The committee, however, did not agree with the proposed cuts. H.R. 2518 instead includes increases of at least 5.2 percent for all the NIH institutes and centers to enable medical research in all the disease areas to move forward. As the Nation moves toward comprehensive health care reform, I believe it is essential that an aggressive medical research program be maintained as a central mechanism for controlling the costs of health care. A cure is the ultimate in cost control and the NIH is the Federal entity which supports this important research.

#### ALZHEIMER'S DISEASE

For the past several years, I have urged the Senate to embark on a national program to rid this country of the scourge of Alzheimer's disease, a

disease that affects 4 million Americans and costs \$90 billion annually. I have set an annual goal of \$500 million, the amount scientists say is needed for a full scale attack on this dread disease. Funding for research on Alzheimer's disease has nearly doubled since 1990, rising from \$146.1 million in 1990 to \$291.4 million in 1993. I am pleased to report that this effort is beginning to pay off. Last week, the FDA approved a new drug that will help our efforts to treat, and perhaps reverse, this disease.

The committee again has highlighted research on Alzheimer's disease as one of the top priorities and has called upon the NIH to develop a long-range plan to attack this devastating disorder. The broad objectives of this plan will be to slow the rate of deterioration from Alzheimer's by 5 years over the next 5 years, and by 10 years within the next decade. This is an ambitious goal, but a goal which is essential if we are to begin to reduce the escalating cost of health care in this country.

#### NATIONAL CENTER FOR SLEEP DISORDERS RESEARCH

More than 40 million Americans are chronically ill with various sleep disorders and the cost in terms of lives, human suffering, and dollars is substantial. In an effort to enhance our understanding of these disorders, the bill includes first-time funding for the National Center for Sleep Disorders Research. This Center, modeled after legislation I introduced earlier this year, was authorized in the recently enacted NIH Revitalization Act of 1993. Located within the National Heart, Lung, and Blood Institute, the Center will complement the sleep-related research currently undertaken by the various NIH institutes, develop new research programs and training initiatives in the field and strive to educate the general public and health care providers about sleep and sleep disorders.

#### RURAL HEALTH

As we strive to create a national solution to reform the health care system, we must not forget the special needs of our rural communities. Rural health care systems face a number of unique barriers, including an ongoing shortage of doctors, nurses, and other providers, geographic isolation, and an unusually large number of elderly and uninsured patients, as they struggle to provide quality health care to their communities.

During the August recess I chaired a special hearing of the Appropriations Committee in Medford, OR, on rural health care. The hearing examined the existing Federal public health programs serving rural residents and explored how our national investment in health care reform might most effectively meet the needs of rural America. Nearly all of the testimony received stressed the importance to rural communities of Community and Migrant

Health Centers, Rural Health Outreach Grants, the National Health Service Corps, and the Area Health Education Centers Program. The bill before the Senate today, also recognizes the importance of these programs and recommends increases totaling \$68 million.

## AIDS

Madam President, few could argue with the fact that AIDS, a disease that was virtually unheard of a dozen years ago, continues to plague our society. The bill includes \$2.4 billion to continue the strong commitment to research, prevention, and treatment programs to fight this dread disease.

## WOMEN AND CHILDREN

One of the most important aspects of the bill before the Senate is the extent to which it enhances our investment in programs serving women, children, and families. Included in the bill is \$3.3 billion, an increase of \$600 million for Head Start. This is another step toward expanding the program in order to provide Head Start to all eligible children. Within the amount provided, the committee recommendation includes \$250,000 for a demonstration program to improve the training of Head Start teachers in the math and sciences. The demonstration is to be modeled after an existing program at Marylhurst College.

To better improve our Nation's immunization record, the bill includes \$554.3 million for the Childhood Immunization Program of the Centers for Disease Control. These funds will be used, not only to purchase the necessary vaccines, but to improve local vaccine delivery infrastructures and to implement essential immunization outreach and tracking programs in communities throughout the country.

Also, the bill continues to build upon the committee's commitment to augment funding for domestic violence programs. Just 3 years ago, funding for the Family Violence Program totaled \$10.7 million. H.R. 2518 includes \$28.6 million for the Family Violence Program, an increase of \$4 million over fiscal year 1993. In addition, \$10 million is provided to the Centers for Disease Control and Prevention to develop a national program to prevent violence against women.

These are just a few examples of the programs in the bill which serve women and children. Other programs, such as the maternal and child health block grant, the child care block grant, and the women's health study at the National Institutes of Health, continue under the committee's recommendation.

## HUMAN SERVICES

The bill also includes additional funds for services to some of the most vulnerable members of our society. A total of \$390 million is recommended for the Community Services Block

Grant Program, an increase of \$18 million over last year. These funds will assist over 900 community action agencies in providing a wide array of services to assist low-income individuals in becoming self-sufficient and to alleviate the causes of poverty in their communities.

Increased funding is also recommended for the domestic refugee resettlement programs of the Department. These programs provide critical resources to States, voluntary agencies, and mutual assistance associations to help refugees become self-supporting productive members of society. Refugees face substantial language and cultural barriers when they resettle in this country. The delivery of subsistence, medical, and employment services within the first 12 months of arrival is essential for effective resettlement.

## EDUCATION

Madam President, I believe that our hopes for maintaining our leadership role in the global market and our requirements for economic growth hinge upon our education system. It is not enough to provide tax incentives for investments in plant and equipment. We must also be willing to invest in human minds as well. We must continue to provide our children with the educational opportunities and technologies to help them meet world class standards. H.R. 2518 includes a total of \$28.7 million to help States, local education agencies, colleges, universities, and other education entities in educating our Nation's students. This is \$858.1 million above the amount provided in fiscal year 1993 and is an important investment in the future of this country.

For several years now, I have worked with the chairman and ranking members of the Labor, HHS and Education appropriations subcommittee to improve the skills of our Nation's students in math and sciences. The fruit of this effort has yielded important results. Funding for the Eisenhower Mathematics and Science Education programs has more than doubled between 1990 and 1993. For fiscal year 1994, the bill includes \$283.7 million for the math-science education programs, an increase of \$8 million above the previous year.

## URBAN GRANTS

Madam President, many of the urban universities across this Nation play an important role in contributing to the needs and priorities of the cities in which they are located. To help these universities in their efforts, this bill contains \$11 million, an increase of \$1.5 million over the fiscal year 1993 level, for the Department of Education's Urban Grants Program. This program supports grants to urban universities to encourage community involvement in solving education, health, crime and economic development problems of their particular urban area.

## COMMISSION ON SOCIAL SECURITY NOTCH

Finally, the bill contains \$1.8 million to fund the Commission on Social Security Notch. This special Commission will examine the notch controversy; whether there are inequities in the treatment of Social Security beneficiaries born in different years; whether legislative action should be taken to correct any inequities; and the effect of any such legislation on the Social Security Trust Fund. It is my hope, that this Commission will lay the foundation for a consensus on this complex issue so that Congress can act accordingly.

In closing, Madam President, I again want to thank the distinguished chairman and ranking member of the subcommittee, Mr. HARKIN and Mr. SPENCER, for their cooperation and support.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Madam President, I ask unanimous consent that I be able to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT CLINTON'S ADDRESS  
TO THE UNITED NATIONS

Mr. PRESSLER. Madam President, yesterday I had a wonderful experience. I accompanied the President and Mrs. Clinton to New York to hear his address to the 48th session of the U.N. General Assembly. And although we are of opposite parties, I want to say that the President made an excellent speech and represented the United States proudly at the United Nations.

I was pleased to be in attendance to witness President Bill Clinton give his first address to the U.N. General Assembly. After his speech, I had the opportunity to personally congratulate the President for a most impressive speech. I want to take a moment today to again express my congratulations to the President.

I have heard a number of Presidential speeches at the United Nations, and I found President Clinton's address to be one of the very best I had ever heard.

In his address, the President rightly recognized that the world has changed in the face of the post-cold-war political and economic realities. So, too, must the United Nations.

One reality is the rise of economic integration, entrepreneurship, and market liberalization. Yes, we live in uncertain times, but the prospects for worldwide economic growth have never



been greater. I commend President Clinton for articulating our Nation's commitment to worldwide market liberalization. He stated that global market liberalization furthers our national security and the economic goals.

Another post-cold-war reality is the fact that the world's economic pie is growing, and the growth is felt in markets from Singapore to Sioux Falls. As a result, more nations are capable of bearing more of the financial commitment to the United Nations. I commend President Clinton for calling on the United Nations to reform the U.N. assessment system. This system has not changed since 1973—a time when the United States was a vastly superior economic power. Today, the United States remains a wealthy nation, but she no longer stands alone. The world's economic wealth is spread over a community of nations—a community that continues to grow. The U.N. assessment system needs to be restructured to reflect these changes.

I also wish to commend the President for recognizing the need to reform the United Nations. The President correctly described our Nation's dual role to the United Nations as "first friend and first critic." I could not agree more. I, too, support the United Nations. I believe in the mission of the United Nations. However, there are those within the United Nations who have tarnished the integrity, the reputation, and the mission of the United Nations through acts of waste, fraud, abuse, and thievery.

And there are those within the U.N. leadership who undermine the effectiveness of the United Nations by doing nothing more than pay lipservice to the cause of U.N. reform.

I applaud President Clinton for calling on the United Nations to establish a permanent, independent Office of Inspector General before the General Assembly completes its business within the year. As my colleagues know, I have been calling for the creation of a tough, independent inspector general for some time now. As a former congressional delegate to the United Nations, I have seen unforgivable examples of U.N. waste, fraud, and abuse. Through growing media interest, including a recent report on "60 Minutes," the American people are beginning to question the integrity of the U.N. leadership. I commend the President for recognizing the urgency for U.N. reform and specifically, the need for an independent inspector general. I also commend the President for calling on the U.N. leadership to take a long and critical look at how it fulfills its many missions, and seek ways to cut costs and the size of the massive U.N. bureaucracy. President Clinton's challenge to the United Nations is dramatically clear: It is time for the United Nations to police itself.

Madam President, I urge my colleagues to take a moment to review

President Clinton's address to the U.N. General Assembly. I believe the President articulated a sound and clear set of principles for the United Nations. These principles begin and end with U.N. responsibility—the responsibility to adapt to changing times, the responsibility to recognize the range and limitations of its resources, and the responsibility to look within itself and root out corrupting influences. President Clinton yesterday demonstrated to the world the American people's commitment to the mission and the vision of the United Nations.

Madam President, it has been my pleasure to twice have served as a delegate to the United Nations from the Senate in 1980 and again last year. Each time I have been there, I have served on the Administration and Budget Committee. Not many people who go to the United Nations want to serve on the Administration and Budget Committee. It is a committee where all the U.N.'s financial decisions are made.

I have felt strongly that our delegation to the United Nations needs to pay more attention to U.N. management because, as the "60 Minutes" program pointed out, there are many countries in this world that look upon government service as a chance to gain things for themselves or for their friends in the home country and not as a chance to serve the people of their country or the people of this world.

There are many hardworking, decent people in the United Nations. I support the United Nations. In fact, I was a member of the Minnehaha County U.N. Association back in the 1960's.

I want the United Nations to work. I want the United Nations to be able to deliver food and humanitarian supplies to Somalia, to keep the United States from having to take the lead. I want the United Nations to be able to carry out its missions without the United States having to pay for everything.

So, it was a great pleasure yesterday, to hear the President say that the assessments imposed on the United States are too high. He said it in front of the whole General Assembly. I tried to get the Bush administration to say that for several years without success. The present assessments on the United States are simply unfair. We pay 26 percent of the permanent cost and we pay 37 percent of the peacekeeping costs. That is the most of any country in the world.

Those assessment levels were set in 1973. Since that time, countries in Europe and Asia have advanced economically and, as the President pointed out, there should be a new level of assessment. I was very pleased the President of the United States took a stand on this issue in front of the whole General Assembly. We can have a very successful United Nations. We can keep our taxpayers supporting the United Na-

tions if it has an independent inspector general, and if our assessment levels reflect current realities is. Our taxpayers will not tolerate continued fraud and abuse in the United Nations.

There have been many examples of this cited by the United Nation's own auditors, but because Secretary General Boutros Boutros-Ghali is supported strongly by the Third World countries, he is very reluctant to address reform because most of these problems occur there. I am not in any way picking on the Third World, but I am saying there should be a professional civil service within the United Nations like our own civil service. They should not be appointed regionally by the buddies of the Presidents of the various countries.

We also have to recognize how the United Nations is made up. Most countries in the United Nations are not democracies. Most countries, in fact are kleptocracies as defined by our own State Department, where the leaders of the countries are dictatorships and they steal from their own people. They have their own people going to the United Nations with the same intention.

So those are some problems we have. We need a centralized purchasing system in the United Nations where there is a professional competitive bidding system.

We have read about hundreds of vans in Cambodia that were purchased and never used. Some were stolen. In the former Yugoslavia, U.N. supplies are sent but disappeared from the warehouses overnight. The excuse is given that those opposed to the United Nations stole them. And the next day they showed up on the black market.

Time after time we are told of the many abuses and fraud in the United Nations. The time has come for the United Nations to appoint an independent inspector general, and President Clinton stood up in the United Nations and said that.

As a Republican who has been critical of some of President Clinton's programs, and not on a personal basis, I want to praise the President of the United States. He did an excellent job yesterday and gave a wonderful speech at the United Nations. Mr. President, I ask unanimous consent that President Clinton's address before the 48th United Nations General Assembly be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE PRESIDENT TO THE 48TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Thank you very much. Mr. President, let me first congratulate you on your election as President of this General Assembly.

Mr. Secretary General, distinguished delegates and guests, it is a great honor for me to address you and to stand in this great Chamber which symbolizes so much of the

20th century—its darkest crises and its brightest aspirations.

I come before you as the first American President born after the founding of the United Nations. Like most of the people in the world today, I was not even alive during the convulsive World War that convinced humankind of the need for this organization; nor during the San Francisco Conference that led to its birth. Yet I have followed the work of the United Nations throughout my life, with admiration for its accomplishments, with sadness for its failures, and conviction that through common effort our generation can take the bold steps needed to redeem the mission entrusted to the U.N. 48 years ago.

I pledge to you that my nation remains committed to helping make the U.N.'s vision a reality. The start of this General Assembly offers us an opportunity to take stock of where we are, as common shareholders in the progress of humankind and in the preservation of our planet.

It is clear that we live at a turning point in human history. Immense and promising changes seem to wash over us every day. The Cold War is over. The world is no longer divided into two armed and angry camps. Dozens of new democracies have been born.

It is a moment of miracles. We see Nelson Mandela stand side by side with President de Klerk, proclaiming a date for South Africa's first nonracial election. We see Russia's first popularly-elected President, Boris Yeltsin, leading his nation on its bold democratic journey. We have seen decades of deadlock shattered in the Middle East, as the Prime Minister of Israel and the Chairman of the Palestine Liberation Organization reached past enmity and suspicion to shake each other's hands and exhilarate the entire world with the hope of peace.

We have begun to see the doomsday welcome of nuclear annihilation dismantled and destroyed. Thirty-two years ago, President Kennedy warned this Chamber that humanity lived under a nuclear sword of Damocles that hung by the slenderest of threads. Now the United States is working with Russia, Ukraine, Belarus and others to take that sword down, to lock it away in a secure vault where we hope and pray it will remain forever.

It is a new era in this hall as well. The superpower standoff that for so long stymied the United Nations' work almost from its first day has now yielded to a new promise of practical cooperation. Yet today we must all admit that there are two powerful tendencies working from opposite directions to challenge the authority of nation states everywhere and to undermine the authority of nation states to work together.

From beyond nations, economic and technological forces all over the globe are compelling the world towards integration. These forces are fueling a welcome explosion of entrepreneurship and political liberalization. But they also threaten to destroy the insularity and independence of national economies, quickening the pace of change and making many of our people feel more insecure.

At the same time, from within nations, the resurgent aspirations of ethnic and religious groups challenge governments on terms that traditional nation states cannot easily accommodate.

These twin forces lie at the heart of the challenges not only to our national government, but also to all our international institutions. They require all of us in this room to find new ways to work together more eff-

fectively in pursuit of our national interests and to think anew about whether our institutions of international cooperation are adequate to this moment.

Thus, as we marvel at this era's promise of new peace, we must also recognize that serious threats remain. Bloody ethnic, religious and civil wars rage from Angola to the Caucasus to Kashmir. As weapons of mass destruction fall into more hands, even small conflicts can threaten to take on murderous proportions. Hunger and disease continue to take a tragic toll, especially among the world's children. The malignant neglect of our global environment threatens our children's health and their very security.

The repression of conscience continues in too many nations. And terrorism, which has taken so many innocent lives, assumes a horrifying immediacy for us here when militant fanatics bombed the World Trade Center and planned to attack even this very hall of peace.

Let me assure you, whether the fathers of those crimes or the mass murderers who bombed Pan Am Flight 103, my government is determined to see that such terrorists are brought to justice. (Applause.)

At this moment of panoramic change, of vast opportunities and troubling threats, we must all ask ourselves what we can do and what we should do as a community of nations. We must once again dare to dream of what might be, for our dreams may be within our reach. For that to happen, we must all be willing to honestly confront the challenges of the broader world. That has never been easy.

When this organization was founded 48 years ago, the world's nations stood devastated by war or exhausted by its expense. There was little appetite for cooperative efforts among nations. Most people simply wanted to get on with their lives. But a far-sighted generation of leaders from the United States and elsewhere rallied the world. Their effort built the institutions of postwar security and prosperity.

We are at a similar moment today. The momentum of the Cold War no longer propels us in our daily actions. And with daunting economic and political pressures upon almost every nation represented in this room, many of us are turning to focus greater attention and energy on our domestic needs and problems. And we must. But putting each of our economic houses in order cannot mean that we shut our windows to the world. The pursuit of self-renewal, and many of the world's largest and most powerful economies—in Europe, in Japan, in North America—is absolutely crucial because unless the great industrial nations can recapture their robust economic growth, the global economy will languish.

Yet, the industrial nations also need growth elsewhere in order to lift their own. Indeed, prosperity in each of our nations and regions also depends upon active and responsible engagement in a host of shared concerns.

For example, a thriving and democratic Russia not only makes the world safer, it also can help to expand the world's economy. A strong GATT agreement will create millions of jobs worldwide. Peace in the Middle East, buttressed as it should be by the repeal of outdated U.N. resolutions, can help to unleash that region's great economic potential and calm a perpetual source of tension in global affairs. And the growing economic power of China, coupled with greater political openness, could bring enormous benefits to all of Asia and to the rest of the world.

We must help our publics to understand this distinction: Domestic renewal is an overdue tonic. But isolationism and protectionism are still poison. We must inspire our people to look beyond their immediate fears toward a broader horizon.

Let me start by being clear about where the United States stands. The United States occupies a unique position in world affairs today. We recognize that and we welcome it. Yet, with the Cold War over, I know many people ask whether the United States plans to retreat or remain active in the world; and if active, to what end. Many people are asking that in our own country as well. Let me answer that question as clearly and plainly as I can.

The United States intends to remain engaged and to lead. We cannot solve every problem, but we must and will serve as a fulcrum for change and a pivot point for peace.

In a new era of peril and opportunity, our overriding purpose must be to expand and strengthen the world's community of market-based democracies. During the Cold War we sought to contain a threat to survival of free institutions. Now we seek to enlarge the circle of nations that live under those free institutions.

For our dream is of a day when the opinions and energies of every person in the world will be given full expression, in a world of thriving democracies that cooperate with each other and live in peace.

With this statement, I do not mean to announce some crusade to force our way of life and doing things on others, or to replicate our institutions, but we now know clearly that throughout the world, from Poland to Eritrea, from Guatemala to South Korea, there is an enormous yearning among people who wish to be the masters of their own economic and political lives. Where it matters most and where we can make the greatest difference, we will, therefore, patiently and firmly align ourselves with that yearning.

Today, there are still those who claim that democracy is simply not applicable to many cultures, and that its recent expansion is an aberration, an accident, in history that will soon fade away. But I agree with President Roosevelt, who once said, "The democratic aspiration is no mere recent phase of human history. It is human history."

We will work to strengthen the free market democracies, by revitalizing our economy here at home, by opening world trade through the GATT, the North American Free Trade Agreement and other accords, and by updating our shared institutions, asking with you and answering the hard questions about whether they are adequate to the present challenges.

We will support the consolidation of market democracy where it is taking new root, as in the states of the former Soviet Union and all over Latin America. And we seek to foster the practices of good government that distribute the benefits of democracy and economic growth fairly to all people.

We will work to reduce the threat from regimes that are hostile to democracies and to support liberalization of nondemocratic states when they are willing to live in peace with the rest of us.

As a country that has over 150 different racial, ethnic and religious groups within our borders, our policy is and must be rooted in a profound respect for all the world's religions and cultures. But we must oppose everywhere extremism that produces terrorism and hate.

And we must pursue our humanitarian goal of reducing suffering, fostering sustainable



development, and improving the health and living conditions, particularly for our world's children.

On efforts from export control to trade agreements to peace keeping, we will often work in partnership with others and through multilateral institutions such as the United Nations. It is in our national interest to do so. But we must not hesitate to act unilaterally when there is a threat to our core interests or to those of our allies.

The United States believes that an expanded community of market democracies not only serves our own security interests, it also advances the goals enshrined in this body's charter and its Universal Declaration of Human Rights. For broadly-based prosperity is clearly the strongest form of preventive diplomacy. And the habits of democracy are the habits of peace.

Democracy is rooted in compromise, not conquest. It rewards tolerance, not hatred. Democracies rarely wage war on one another. They make more reliable partners in trade, in diplomacy, and in the stewardship of our global environment. In democracies with the rule of law and respect for political, religious, and cultural minorities are more responsive to their own people and to the protection of human rights.

But as we work toward this vision we must confront the storm clouds that may overwhelm our work and darken the march toward freedom. If we do not stem the proliferation of the world's deadliest weapons, no democracy can feel secure. If we do not strengthen the capacity to resolve conflict among and within nations, those conflicts will smother the birth of free institutions, threaten the development of entire regions, and continue to take innocent lives.

If we do not nurture our people and our planet through sustainable development, we will deepen conflict and waste the very wonders that make our efforts worth doing.

Let me talk more about what I believe we must do in each of these three categories: nonproliferation, conflict resolution, and sustainable development.

One of our most urgent priorities must be attacking the proliferation of weapons of mass destruction, whether they are nuclear, chemical, or biological; and the ballistic missiles that can rain them down on populations hundreds of miles away.

We know this is not an idle problem. All of us are still hunted by the pictures of Kurdish women and children cut down by poison gas. We saw Scud missiles dropped during the Gulf War that would have been far graver in their consequence if they had carried nuclear weapons. And we know that many nations still believe it is in their interest to develop weapons of mass destruction or to sell them or the necessary technologies to others for financial gain.

More than a score of nations likely possess such weapons, and their number threatens to grow. These weapons destabilize entire regions. They could turn a local conflict into a global human and environmental catastrophe. We simply have got to find ways to control these weapons and to reduce the number of states that possess them by supporting and strengthening the IAEA and by taking other necessary measures.

I have made nonproliferation one of our nation's highest priorities. We intend to weave it more deeply into the fabric of all of our relationships with the world's nations and institutions. We seek to build a world of increasing pressures for nonproliferation, but increasingly open trade and technology for those states that live by accepted international rules.

Today, let me describe several new policies that our government will pursue to stem proliferation. We will pursue new steps to control the materials for nuclear weapons. Growing global stockpiles of plutonium and highly enriched uranium are raising the danger of nuclear terrorism for all nations. We will press for an international agreement that would ban production of these materials for weapons forever.

As we reduce our nuclear stockpiles, the United States has also begun negotiations toward a comprehensive ban on nuclear testing. This summer I declared that to facilitate these negotiations, our nation would suspend our testing if all other nuclear states would do the same. Today, in the face of disturbing signs, I renew my call on the nuclear states to abide by that moratorium as we negotiate to stop nuclear testing for all time.

I am also proposing new efforts to fight the proliferation of biological and chemical weapons. Today, only a handful of nations has ratified the Chemical Weapons Convention. I call on all nations, including my own, to ratify this accord quickly so that it may enter into force by January 13th, 1995.

We will also seek to strengthen the biological weapons convention by making every nation's biological activities and facilities open to more international students. I am proposing as well new steps to thwart the proliferation of ballistic missiles. Recently, working with Russia, Argentina, Hungary and South Africa, we have made significant progress toward that goal. Now, we will seek to strengthen the principles of the Missile Technology Control Regime by transforming it from an agreement on technology transfer among just 23 nations to a set of rules that can command universal adherence.

We will also reform our own system of export controls in the United States to reflect the realities of the post-Cold War world, where we seek to enlist the support of our former adversaries in the battle against proliferation.

At the same time that we stop deadly technologies from falling into the wrong hands, we will work with our partners to remove outdated controls that unfairly burden legitimate commerce and unduly restrain growth and opportunity all over the world.

As we work to keep the world's most destructive weapons out of conflict, we must also strengthen the international community's ability to address those conflicts themselves. For as we all now know so painfully, the end of the Cold War did not bring us to the millennium of peace. And, indeed, it simply removed the lid from many cauldrons of ethnic, religious, and territorial animosity.

The philosopher, Isaiah Berlin, has said that a wounded nationalism is like a bent twig forced down so severely that when released it lashes back with fury. The world today is thick with both bent and recoiling twigs of wounded communal identities.

This scourge of bitter conflict has placed high demands on United Nations peacekeeping forces. Frequently the blue helmets have worked wonders. In Namibia, El Salvador, the Golan Heights and elsewhere, U.N. peacekeepers have helped to stop the fighting, restore civil authority, and enable free elections.

In Bosnia, U.N. peacekeepers, against the anger and frustration of that continuing tragedy, has maintained a valiant humanitarian effort. And if the parties of that conflict take the hard steps needed to make a real peace, the international community in-

cluding the United States must be ready to help in its effective implementation.

In Somalia, the United States and the United Nations have worked together to achieve a stunning humanitarian rescue, saving literally hundreds of thousands of lives and restoring the conditions of security for almost the entire country. U.N. peacekeepers from over two dozen nations remain in Somalia today. And some, including brave Americans, have lost their lives to ensure that we complete our mission, and to ensure that anarchy and starvation do not return just as quickly as they were abolished.

Many still criticize U.N. peacekeeping, but those who do should talk to the people of Cambodia, where the U.N.'s operations have helped to turn the killing fields into fertile soil through reconciliation. Last May's elections in Cambodia marked a proud accomplishment for that war-weary nation and for the United Nations. And I am pleased to announce that the United States has recognized Cambodia's new government.

U.N. peacekeeping holds the promise to resolve many of this area's conflicts. The reason we have supported such missions is not, as some critics in the United States have charged, to subcontract American foreign policy, but to strengthen our security, protect our interests, and to share among nations the costs and effort of pursuing peace. Peacekeeping cannot be a substitute for our own national defense efforts, but it can strongly supplement them.

Today, there is wide recognition that the U.N. peacekeeping ability has not kept pace with the rising responsibilities and challenges. Just six years ago, about 10,000 U.N. peacekeepers were stationed around the world. Today, the U.N. has some 80,000 deployed in 17 operations on four continents. Yet, until recently, if a peacekeeping commander called in from across the globe when it was nighttime here in New York, there was no one in the peacekeeping office even to answer the call. When lives are on the line, you cannot let the reach of the U.N. exceed its grasp.

As the Secretary General and others have argued, i.e. if U.N. peacekeeping is to be a sound security investment for our nation and for other U.N. members, it must adapt to new times. Together we must prepare U.N. peacekeeping for the 21st century. We need to begin by bringing the rigors of military and political analysis to every U.N. peace mission.

In recent weeks in the Security Council, our nation has begun asking harder questions about proposals for new peacekeeping missions: Is there a real threat to international peace? Does the proposed mission have clear objectives? Can an end point be identified for those who will be asked to participate? How much will the mission cost? From now on, the United Nations should address these and other hard questions for every proposed mission before we vote and before the mission begins.

The United Nations simply cannot become engaged in every one of the world's conflicts. If the American people are to say yes to U.N. peacekeeping, the United Nations must know when to say no. The United Nations must also have the technical means to run a modern world-class peacekeeping operation.

We support the creation of a genuine U.N. peacekeeping headquarters with a planning staff, with access to timely intelligence, with a logistics unit that can be deployed on a moment's notice, and a modern operations center with global communications.

And the U.N.'s operations must not only be adequately funded, but also fairly funded.

Within the next few weeks, the United States will be current in our peacekeeping bills. I have worked hard with the Congress to get this done. I believe the United States should lead the way in being timely in its payments, and I will work to continue to see that we pay our bills in full. But I am also committed to work with the United Nations to reduce our nation's assessment for these missions.

The assessment system has not been changed since 1973. And everyone in our country knows that the percentage of the world's economic pie is not as great as it was then. Therefore, I believe our rates should be reduced to reflect the rise of other nations that can now bear more of the financial burden. That will make it easier for me as President to make sure we pay in a timely and full fashion.

Changes in the U.N.'s peacekeeping operations must be part of an even broader program of United Nations reform. I say that again not to criticize the United Nations, but to help to improve it. As our Ambassador Madeleine Albright has suggested, the United States has always played a twin role to the U.N.—first friend and first critic.

Today corporations all around the world are finding ways to move from the Industrial Age to the Information Age, improving service, reducing bureaucracy and cutting costs. Here in the United States, our Vice President Al Gore and I have launched an effort to literally reinvent how our government operates. We see this going on in other governments around the world. Now the time has come to reinvent the way the United Nations operates as well.

I applaud the initial steps the Secretary General has taken to reduce and to reform the United Nations bureaucracy. Now, we must all do even more to root out waste. Before this General Assembly is over, let us establish a strong mandate for an Office of Inspector General so that it can attain a reputation for toughness, for integrity, for effectiveness. Let us build new confidence among our people that the United Nations is changing with the needs of our times.

Ultimately, the key for reforming the United Nations, as in reforming our own government, is to remember why we are here and whom we serve. It is wise to recall that the first words of the U.N. Charter are not "We, the government," but, "We, the people of the United Nations." That means in every country the teachers, the workers, the farmers, the professionals, the fathers, the mothers, the children, from the most remote village in the world to the largest metropolis, they are why we gather in this great hall. It is their futures that are at risk when we act or fail to act. It is they who ultimately pay our bills.

As we dream new dreams in this age when miracles now seem possible, let us focus on the lives of those people, and especially on the children who will inherit this world. Let us work with a new urgency, and imagine what kind of world we could create for them in the coming generations.

Let us work with new energy to protest the world's people from torture and repression. As Secretary of State Christopher stressed at the recent Vienna Conference, human rights are not something conditional, founded by culture, but rather something universal granted by God. This General Assembly should create at long last, a high commissioner for human rights. I hope you will do it soon and with vigor and energy and conviction.

Let us also work far more ambitiously to fulfill our obligations as custodians of this

planet, not only to improve the quality of life for our citizens and the quality of our air and water and the Earth itself, but also because the roots of conflict are so often entangled with the roots of environmental neglect and the calamity of famine and disease.

During the course of our campaign in the United States last year, Vice President Gore and I promised the American people major changes in our nation's policy toward the global environment. Those were promises to keep, and today the United States is doing so.

Today we are working with other nations to build on the promising work of the U.N.'s Commission on Sustainable Development. We are working to make sure that all nations meet their commitments under the Global Climate Convention. We are seeking to complete negotiations on an accord to prevent the world's deserts from further expansion. And we seek to strengthen the World's Health Organization's efforts to combat the plague of AIDS, which is not only killing millions, but also exhausting the resources of nations that can least afford it.

Let us make a new commitment to the world's children. It is tragic enough that 1.5 million children died as a result of wars over the past decade. But it is far more unforgivable that in that same period, 40 million children died from diseases completely preventable with simple vaccines or medicine. Every day—this day, as we meet here—over 30,000 of the world's children will die of malnutrition and disease.

Our UNICEF Director, Jim Grant, has reminded me that each of those children has a name and a nationality, a family, a personality, and a potential. We are compelled to do better by the world's children. Just as our own nation has launched new reforms to ensure that every child has adequate health care, we must do more to get basic vaccines and other treatment for curable diseases to children all over the world. It's the best investment we'll ever make.

We can find new ways to ensure that every child grows up with clean drinkable water, that most precious commodity of life itself. And the U.N. can work even harder to ensure that each child has at least a full primary education—and I mean that opportunity for girls as well as boys.

And to ensure a healthier and more abundant world, we simply must slow the world's explosive growth in population. We cannot afford to see the human waste doubled by the middle of the next century. Our nation has, at least, renewed its commitment to work with the United Nations to expand the availability of the world's family planning education and services. We must ensure that there is a place at the table for every one of our world's children. And we can do it.

At the birth of this organization 48 years ago, another time of both victory and danger, a generation of gifted leaders from many nations stepped forward to organize the world's efforts on behalf of security and prosperity. One American leader during that period said this: "It is time we steered by the stars rather than by the light of each passing ship." His generation picked peace, human dignity and freedom. Those are good stars, they should remain the highest in our own firmament.

Now history has granted to us a moment of even greater opportunity when old dangers and old walls are crumbling, future generations will judge us, every one of us, above all, by what we make of this magic moment. Let us resolve that we will dream larger,

that we will work harder so that they can conclude that we did not merely turn walls to rubble, but instead laid the foundation for great things to come.

Let us ensure that the tide of freedom and democracy is not pushed back by the fierce winds of ethnic hatred. Let us ensure that the world's most dangerous weapons are safely reduced and denied to dangerous hands. Let us ensure that the world we pass to our children is healthier, safer and more abundant than the one we inhabit today.

I believe—I know—that together we can extend this moment of miracles into an age of great work and new wonders. Thank you very much.

Mr. PRESSLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WOFFORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. WOFFORD. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATOR QUENTIN BURDICK

Mr. DECONCINI. Madam President, I was unable to come to the floor on September 24 when I was tied up in a conference all that day. I wanted to come here and participate in the discussion that was held regarding Roll Call's story insinuating that the former senior Senator from North Dakota, Senator Burdick, may have been a Communist sympathizer.

Everyone who had the good fortune to serve with Senator Burdick knows that nothing could be further from the truth. And Roll Call knows that their article is not true. Shame on you Roll Call. Shame. Shame. Shame.

Senator Burdick was one of the most decent, hardworking, and patriotic individuals I have ever known. When I first came to the Senate, I succeeded Senator Burdick as chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery or the courts subcommittee. Needless to say, I needed help. Senator Burdick generously took the time to advise me on the workings of the Judiciary Committee and to brief me thoroughly on the critical issues the subcommittee would be addressing. He was totally unselfish with his time and advice. He was a marvelous mentor and, in no small measure he was responsible for the success of my subcommittee in enacting monumental pieces of legislation such as the Bankruptcy Reform Act of 1979



which brought to a conclusion the efforts begun nearly a decade before by the esteemed Senator, Senator Burdick. Senator Burdick was not only deeply admired and revered by me, but by every Member of this body. More important still, he was deeply loved by the citizens of North Dakota who sent him to represent them in Congress for more than 30 years.

Why would Roll Call stoop so low as to attack by innuendo through old FBI files the good name of a deceased Senator? For sensationalism, pure and simple. The Roll Call article was not reporting, it was muckraking at its worst. All of us know that the way the FBI operated in those days was certainly questionable. Its spying and scare tactics and political overtones represent a low point in law enforcement which I hope will never be repeated. The Roll Call article has no place in professional journalism. It is disgusting, even more so since Senator Burdick does not have the ability to fight back. We in this Chamber have a responsibility to take up his cause, and, I am glad to do it with my other colleagues.

I thought red baiting died with the McCarthy era. Apparently not. It appears that Roll Call has decided to pick up the cause of character assassination and guilt by association which pervaded one of the sorriest eras in American history. If so, I hope the Senate will have the guts to fight back each and every time such despicable articles appear. The article on Senator Burdick is utter trash and deserves to be exposed as such. It is journalism at its very worst. Roll Call's tampering with the truth deserves every word of the condemnation it has received on the floor of this Senate. At the very least, Roll Call owes Senator Burdick's family an unequivocal apology.

#### TRIBUTE TO BRAD DAVIS

Mr. LIEBERMAN. Madam President, I rise today to give credit to a legend that is almost as much a part of Connecticut history as the Charter Oak tree. I am talking about Brad Davis, of WDRS radio in Bloomfield, CT. On Monday Brad celebrated his 35th anniversary in broadcasting—a feat that is seldom reached in this age of fast-paced technology and fast-moving media personalities. But Brad survives because he has a unique capacity for knowing his listeners and he delivers for them. He is truly a man of, by, and for the people—especially those great people in Brad's listening audience. Like "Arnie's Army," they are as loyal to him as he is to them.

Brad Davis is also a success on radio because he is a man of conviction and integrity. In this day and age of when advertising is king on the radio, Brad Davis has the guts to say no to a product endorsement he does not believe in.

His folksy, honest endorsements have made him a pitchman right up there with the likes of Paul Harvey and that other great legend of Connecticut radio, Bob Steele. He knows his products. He knows his audience. And he knows what he believes in.

Madam President, as further evidence of the voice and personality which makes Brad Davis truly one of a kind, I would like to insert a copy of an article from Monday's Hartford Courant which gives a biographical look at this wonderful man. Keep up the good work, Brad. We will be listening.

The article follows:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hartford (CT) Courant, Sept. 27, 1993]

#### A DAVIS ANNIVERSARY: HE'S STILL PITCHING AFTER 35 YEARS

(By John Lender)

On this date 35 years ago, Dwight Eisenhower was president, pitcher Whitey Ford symbolized the dominance of the Yankees and Brad Davis began his Connecticut broadcasting career.

That was long ago, when television and rock 'n' roll were still new, Eisenhower and the Yankee's dominance are memories, but at 5 a.m. today, Davis, now 59, should be on the air, as he is six mornings a week—on WDRS-AM (1360) in Bloomfield.

He'll be talking about current events (which lately means complaining about Hartford's administration), playing records and, as ever, endorsing his advertisers' products with a fervency approaching prayer.

Whitey Ford never pitched harder than Davis. He's from the old, read-the-script yourself school of personal endorsements. Listen to him, and you'll hear there's no better car dealer than Enfield Ford; there's no better refreshment than Snapple drinks; and as for windows, well, forget about any dealer other than Finman Windows in Farmington.

Like him or not, Davis has achieved an undeniable celebrity that gets him hailed from passing cars whenever he's on a Hartford sidewalk. Davis won't say what he's paid, but he's well off enough to own two houses in Bloomfield and a condo in Miami—with no mortgage loans.

The way this all started, Davis says, was "a fluke. I never planned this as a profession, never had any training, never went to school for it."

Some of his critics probably would believe that. "There are a lot of people who just can't stand me," Davis acknowledges, "because I say things that sometimes a lot of people don't agree with. . . . You like me or you don't like me; there's no in between."

Some get mad at his conservative politics, or accuse him of opportunism for stirring up listeners against the state income tax or in favor of casinos. Others, such as his friends, William and Nikki O'Neill—the former governor and his wife—admire his years of community efforts on behalf of the disadvantaged.

But Davis has had an unusual career—one that probably could not happen again at this stage in the development of broadcasting. Davis' career has three distinct phases that make him a living reflection of the changes that have come since the '50s.

Television and rock 'n' roll were both young on Sept. 27, 1958—the date Davis start-

ed as Connecticut's crew-cutted answer to Dick Clark, hosting a Saturday afternoon rock 'n' roll show for teens cloned from "American Bandstand." The "Brad Davis Show" lasted 11 years.

Phase II of Davis' career began in turbulent 1969, when he abruptly turned into a public-affairs show host/investigative reporter; he was teamed with the young John Sablon (now of WTVT, Channel 30) on "What's Happening" on Channel 3, then WTIC-TV.

And since 1977—in Phase III—he has been WDRS-AM's morning man, rising each day except Sunday at 3 a.m. in his Bloomfield home to do his 5-to-10-shift.

All the while he has been active in community causes, and Nikki O'Neill said last week that Davis led that state's first efforts in the 1980s to grapple with the problems of the homeless. Davis won a national governor's award 1986 for that effort, which included co-chairmanship of a task force established by O'Neill.

And all along, Davis has been pitching products on TV and radio—from Jeeps to milk. Davis refers to his old rock 'n' roll show as "the milk show" because it was sponsored by Connecticut's milk producers. His ability to make a sales pitch with homespun sincerity got him that first big job.

#### AH, MILK

Davis had come out of the Marines in 1955 and returned to his grandfather's dairy farm in Enfield's Hazardville section. A friend got him involved in radio at a small station in nearby Chicopee, Mass., where he started part time introducing an ethnic show whose host's trademark was rhyming words in Polish.

"One afternoon, I'm on the radio doing a record show in Chicopee. There were a lot of commercials for Coca-Cola and I said after one commercial, 'You know, I live on a dairy farm, and I can't understand why people don't advertise to tell you how good milk is.' I said, that's refreshment. I mean ice-cold, there's nothing like it."

"Well, whew, the station manager didn't like that because Coke was buying the [commercial] time, and what the hell was I trying to sell milk for? Well, in Hartford somebody was listening."

It was the advertising executive with the milk producers' account, "and he called me up and said, 'I heard you talking about milk. You know what you're talking about.' I said I should. I helped my grandfather with the dairy and I practically grew up on the farm. He said, 'I don't know, you just sounded believable.'"

He told Davis of the show that the milk producers were putting on Channel 3 for a 13-week trial, and suggested that he come to the Travelers Tower's sixth-floor television studio for the audition as host. Davis knew nothing of TV, but went anyway, and was dismayed to see a succession of polished announcers go before him.

The audition involved reading a Tele-Prompter commercial for Friend's Baked Beans. Davis had never seen a Tele-Prompter and kept messing up. "It was awful," he said.

"On the final, third take, I stopped in the middle and I said, 'Look, I have never been in a TV studio. I don't know what you call this thing that I'm reading from, but I'll tell you something. I grew up, and I still live on, my grandfather's dairy farm, and . . . growing up every Saturday night, we always had baked beans, hot dogs and brown bread—religiously."

"And I said I always remember my grandmother on Friday soaking her pea beans. On

Saturday, she would add up the molasses and a little corn syrup . . . and the salt pork. But she always added a can of Friend's beans, and I said if my grandmother used them, they've gotta be good."

Well, the man upstairs, the late broadcast executive Leonard Patricelli, was listening on his office monitor. "He called down to the studio and said, 'That's the guy I want to hire, because he told the truth.'"

"I swear to God, if I had to sell Windex I would never be here," Davis says. "My grandmother never used Windex. Anyway, that's how I got my job."

#### A BELIEVER

Davis insists he is as sincere about the products he hawked nowadays as he was about Friend's beans. "I have a deal with the station—this was all discussed in '77 when I came here—when I'm selling, I will not take a product that I do not believe in. I will absolutely not do it."

Thus did Davis become a celebrity. Singers from the Everly Brothers to Frankie Valli to the Supremes would come on his show and lip sync their hits (all except Tony Bennett, who insisted on singing "I Left My Heart in San Francisco" live) without charge to the station, because of the promotional value of their appearances to the record companies. (Guests generally had to drink a glass of milk with Davis on-camera.)

Travelers Corp. owned both Channel 3 and WTIC-AM at the time, so Davis also worked on the radio; there he worked with legendary morning host Bob Steele, who Davis says taught him a thing or two about pitching products.

Davis would have students from a different high school on each show to dance, and for a couple of years during the milk show's run, he went on the road twice each weekend with musical groups to local high schools. The proceeds went to the schools for student activities. "It was only right; I needed the kids, and I couldn't have done my TV show without them."

When the milk show ended its run in 1969, Channel 3 Vice President Richard Ahles recognized what he saw as "a flair for TV" in Davis, and teamed him with Sablon, recently out of Columbia University's journalism program. Both proved quick studies, Ahles recalls, and the "What's Happening" public affairs show spawned a number of big investigative pieces—including one that resulted in the pardon of a retarded man who had been unjustly convicted of killing someone. It won a major national broadcasting award.

Now Davis plays easy-listening favorites on WDRC-AM, which takes a back seat to the FM side of the WDRC organization in ratings and revenue. But he enjoys a loyal, if not overwhelming, following. He says he likes talking about public issues and sometimes influencing them, as well as helping listeners who call him with problems.

He contends that commercial success does not begin and end with the ratings. Jed Finman, president of Finman Windows, backs him up on that.

"Everybody that calls my office to get an appointment for windows gets asked, 'How'd you hear about us?'" Finman said. He advertises on a half-dozen stations, including top-rated WTIC-AM, but when customers answer the question, Finman said, "Brad Davis' name comes up more than anybody's."

#### MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; ordered, that Mr. OBEY, Mr. YATES, Mr. WILSON, Mr. OLVER, Ms. PELOSI, Mr. TORRES, Mrs. LOWEY, Mr. SERRANO, Mr. NATCHER, Mr. LIVINGSTON, Mr. PORTER, Mr. LIGHTFOOT, Mr. CALLAHAN, and Mr. MCDADE be the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2492) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; ordered that Mr. DIXON, Mr. STOKES, Mr. DURBIN, Ms. KAPTUR, Mr. SKAGGS, Ms. PELOSI, Mr. NATCHER, Mr. WALSH, Mr. ISTOOK, Mr. BONILLA, and Mr. MCDADE be the managers of the conference on the part of the House.

#### ENROLLED BILLS SIGNED

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes;

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995; and

H.R. 3051. An act to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purposes of providing low-income housing shall be treated as Federal property under the act of September 30, 1950 (Public Law 874, 81st Cong.).

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 1993, he had presented to the President of the United States, the following enrolled bill:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1565. A communication from the Attorney General, transmitting, pursuant to law, a report of the awards of the Young American Medals For Bravery and Service for calendar years 1990 and 1991; to the Committee on the Judiciary.

EC-1566. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled "Marking of Plastic Explosives for Detection Act"; to the Committee on the Judiciary.

EC-1567. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Technology, Educational Media, and Materials for Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC-1568. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Postsecondary Education Programs for Individuals with Disabilities; to the Committee on Labor and Human Resources.

EC-1569. A communication from the Secretary of Education, transmitting, a draft of proposed legislation to amend the Higher Education Act of 1965 to simplify and clarify the definition of a cohort default rate; to the Committee on Labor and Human Resources.

EC-1570. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "Improving America's Schools Act of 1993"; to the Committee on Labor and Human Resources.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-290. A resolution adopted by the City Council of the City of Cloverdale, California relative to State mandates; to the Committee on Governmental Affairs.

POM-291. A resolution adopted by the City Council of the City of Cloverdale, California relative to Language of Government legislation; to the Committee on Governmental Affairs.

POM-292. A resolution adopted by the Common Council of the City of Gary, Indiana relative to Federal mandates; to the Committee on Governmental Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 732. A bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. 1487. A bill entitled "Middle East Peace Facilitation Act of 1993."



EXECUTIVE REPORTS OF  
COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL. From the Committee on Foreign Relations:

Carol J. Lancaster, of the District of Columbia, to be Deputy Administrator of the Agency for International Development.

Margaret V. W. Carpenter, of California, to be an Assistant Administrator of the Agency for International Development.

John Roggen Schmidt, of Illinois, for the rank of Ambassador during his tenure of service as the Chief U.S. Negotiator to the Uruguay Round, and

Linda Tsao Yang, of California, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

James T. Laney, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Nominee James T. Laney.

Post Ambassador, Republic of Korea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: James T. Laney, none.
2. Spouse: Berta R. Laney, \$35.00, December 1, 1989, Democratic Campaign Fund.
3. Children and spouses names: Bill and Susan (Laney) Castle, none; Tom and Drew Laney—none; Radford and Lisa Laney, none; Wendell and Mary (Laney) Reilly, none; Bill and Joan (Laney) Vaughan, none.
4. Parents names: Mary Hughey Laney, none; Thomas Mann Laney, deceased.
5. Grandparents names: James Monroe Hughey, deceased; Hattie Stanley Hughey, deceased; Thomas Farley Laney, deceased; Bess Laney, deceased.
6. Brothers and spouses names: none.
7. Sisters and spouses names: none.

John D. Negroponte, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Nominee: John D. Negroponte.

Post: Manila.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse: Diana, none.
3. Children and spouses names: Marina, Alexandra, John, and George, none.
4. Parents names: Catherine and Dimitri Negroponte, none.
5. Grandparents names: deceased.
6. Brothers and spouses names: Nicholas and Elaine, \$100.00, 1992, Gov. William Weld. George and Hope, \$650.00, 1989-1992, various Democratic party recipients—e.g. DNC, Committee for Democratic Concensus, People for the American Way—etc. Michel and Joan, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nomi-

nees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list on the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of September 14, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND  
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUE (for himself, Mr. BRYAN, Mr. REID, Mr. HATCH, Mr. COATS, Mr. D'AMATO, Mr. DURENBERGER, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOLE):

S. 1495. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. INOUE (for himself, Mr. BRYAN, Mr. REID, Mr. HATCH, Mr. COATS, Mr. D'AMATO, Mr. DURENBERGER, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOLE):

S. 1495. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

• Mr. INOUE. Mr. President, today, I introduce legislation to restore the business meals and entertainment tax deduction to 80 percent. I am joined by Senators BRYAN, REID, HATCH, COATS, D'AMATO, DURENBERGER, FAIRCLOTH, HOLLINGS, JOHNSTON, WALLOP, and DOLE. Restoration of this deduction is essential to the livelihood of the foodservice, travel and tourism, and entertainment industries throughout the United States.

The deduction for business meals and entertainment was recently reduced from 80 to 50 percent in the Omnibus Budget Reconciliation Act of 1993. This reduction will cost up to 165,000 jobs in the foodservice industry and will have a negative impact on the tourism and entertainment trade.

All of these industries are big employers. The foodservice industry, for example, is the number one retail employer in the country. Travel and tourism is the third largest retail employer. Restoring the business meal deduction means continued employment

for the millions of men, women and teenagers working in these industries.

I sincerely hope that we do not see the kind of job loss I have described. I further hope that the reduction to 50 percent does not become a "Luxury Tax Two," in which the Congress moves toward restoration only after the damage has been done and jobs are lost. Accordingly, I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1495

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. REPEAL OF REDUCTION IN BUSINESS  
MEALS AND ENTERTAINMENT TAX  
DEDUCTION.

(a) IN GENERAL.—Section 13209 of the Revenue Reconciliation Act of 1993 is hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such section had not been enacted.

(b) EFFECTIVE DATE.—This section shall apply to taxable years beginning after December 31, 1993. •

## ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 651

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 651, a bill to amend the Office of Federal Procurement Policy Act to provide for expanded participation of historically Black colleges and universities and nonprofit organizations owned and controlled by black Americans in federally funded research and development activities.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Louisiana [Mr. BREAU] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1045

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1045, a bill to permit

States to establish programs using unemployment funds to assist unemployed individuals in becoming self-employed.

S. 1463

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1463, a bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education and to assist schools and educational institutions in the elimination of sexual harassment and abuse.

#### SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from California [Mrs. BOXER], the Senator from Georgia [Mr. NUNN], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kentucky [Mr. FORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Maine [Mr. COHEN], the Senator from New Hampshire [Mr. GREGG], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

#### SENATE JOINT RESOLUTION 123

At the request of Mr. SHELBY, the names of the Senator from Alaska [Mr. INOUE], the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 123, a joint resolution to designate the week beginning November 6, 1994, as "National Elevator and Escalator Safety Awareness Week."

#### SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Louisiana [Mr. BREAU] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day."

#### SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mrs. BOXER], the Senator from Illinois [Mr. SIMON], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

#### SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United

States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

### AMENDMENTS SUBMITTED

#### LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT FOR 1994

#### LAUTENBERG (AND OTHERS) AMENDMENT NO. 971

Mr. LAUTENBERG (for himself, Mr. SIMON, and Mrs. BOXER) proposed an amendment to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place insert:

#### TITLE VI—NONSMOKING POLICY

##### SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993".

##### SEC. 602. FINDINGS.

The Congress finds that—

- (1) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;
- (2) since citizens of the United States spend up to 90 percent of a day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;
- (3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;
- (4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);
- (5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and
- (6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over \$3,000,000,000 per year.

##### SEC. 603. DEFINITIONS.

As used in this title:

- (1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.
- (2) CHILDREN.—The term "children" means individuals who have not attained the age of 18.
- (3) CHILDREN'S SERVICES.—The term "children's services" means—
  - (A) direct health services that are routinely provided to children and that are funded (in whole or in part) by Federal funds; or
  - (B) any other direct services that are routinely provided primarily to children, including educational services and that are funded (in whole or in part) by Federal funds.
- (4) FEDERAL AGENCY.—The term "Federal agency" means an entity in the executive, legislative or judicial branch of the Federal Government.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

#### SEC. 604. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) ISSUANCE OF GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.

(b) CONTENTS OF GUIDELINES.—A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children's services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

#### SEC. 605. TECHNICAL ASSISTANCE.

The Administrator and the Secretary shall provide technical assistance to persons who provide children's services and other persons who request technical assistance. The technical assistance shall include information—

- (1) on smoking cessation programs for employees; and
- (2) to assist in compliance with the requirements of this title.

#### SEC. 606. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, each person who provides children's services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

##### (b) NONSMOKING POLICY.—

(1) GENERAL REQUIREMENTS.—A nonsmoking policy meets the requirements of this subsection if the policy—

- (A) is consistent with the guidelines issued under section 604(a);
- (B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and
- (C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

(2) PERMISSIBLE FEATURES.—A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

- (A) in which services are not normally provided directly to children; and
- (B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

##### (c) WAIVER.—

(1) IN GENERAL.—A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) CONDITIONS FOR GRANTING A WAIVER.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

- (A) after consulting with the Administrator, and receiving the concurrence of the Administrator;
- (B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and
- (C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement



under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the non-smoking policy requirement) and the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(1) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

**(3) SPECIAL WAIVER.—**

(A) IN GENERAL.—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and

(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

**(d) CIVIL PENALTIES.—**

(1) IN GENERAL.—(A) Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children's services.

(B) Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) AMOUNT OF CIVIL PENALTY.—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history

of the same kind of violation, the degree of culpability, and a demonstration of willingness to comply with the requirements of this title; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The head of the Federal agency (or the appropriate official) may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official),

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;

(2) provides children's services—

(A) in a private residence; and

(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and

(3) is registered and complies with any State requirements that govern the children's services provided.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

**SEC. 607. REPORT BY THE ADMINISTRATOR.**

Not later than 2 years after the date of enactment of this Act, the Administrator shall submit a report to the Congress that includes—

(1) information concerning the degree of compliance with this title; and

(2) an assessment of the legal status of smoking in public places.

**SEC. 608. PREEMPTION.**

Nothing in this title is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this title.

**BRADLEY AMENDMENT NO. 972**

Mr. BRADLEY proposed an amendment to the bill H.R. 2518, *supra*; as follows:

On page 62, between lines 23 and 24, insert the following:

**SEC. 306. (a) The Congress finds that—**

(1) according to the recent National Performance Review, there are currently 230 distinct programs in the Department of Education, 160 of which award grants through 245 national competitions each year;

(2) many of these programs overlap in purpose and orientation, differing only in the administrative requirements such programs impose on applicants and the Department of Education;

(3) as an example, the goal of reforming schools is funded through at least 4 programs assisted under this Act, including the programs assisted under chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (block grants), the Fund for the Improvement and Reform of Schools and Teaching, the Secretary's Fund for Innovation in Education, and a new program established under the Goals 2000: Educate America Act, which has not yet become law;

(4) the overhead at the Department of Education to administer each separate program, and the cost to States, localities and schools of preparing applications, planning ahead, and managing funds under each program diverts scarce resources from schools and students;

(5) some Federal programs serve purposes which would be better served by consolidation into a single flexible grant, a few serve purposes that could be met without Federal assistance, and some programs are obsolete;

(6) in the Department of Education's internal study for the National Performance Review, the Department indicated that the Department had identified 41 programs that could be eliminated or consolidated into other programs;

(7) this Act takes a significant step toward consolidation by eliminating funding for 13 programs, and the Department of Education has begun a serious effort to consolidate programs, as is appropriate, in the reauthorization of the Elementary and Secondary Education Act of 1965, but much more remains to be done; and

(8) the Defense Base Closure and Realignment Commission offers a successful model for cutting government spending despite powerful interests within and outside of the Congress dedicated to protecting specific projects or programs.

(b) It is the sense of the Congress that—

(1) within 6 months of the date of enactment of this Act, the Department of Education should prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a legislative package reflecting the President's National Performance Review plan to consolidate Federal education programs;

(2) the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives should consider the package submitted by the Department of Education and should report to the Senate and House of Representatives, respectively, bills proposing to consolidate Federal education programs;

(3) the leadership of each House of the Congress should establish—

(A) a process for considering a bill described in paragraph (2) under which such bill would be subject to a single vote of approval or disapproval by such House; or

(B) a comparable process to minimize the possibility that individual programs will be excepted from the consolidation; and

(4) the objective of the consolidation should be, first, to find savings by reducing the administrative costs to both the Department of Education and to States and localities that are due to redundant programs, and, second, to maximize the impact of Federal education dollars, but not to reduce our Nation's overall investment in schools and students.

DECONCINI (AND OTHERS)  
AMENDMENT NO. 973

Mr. DECONCINI (for himself, Mr. GORTON, Mr. COCHRAN, Mr. KOHL, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. BIDEN, Mr. REID, Mr. D'AMATO, Mr. WARNER, Mr. THURMOND, Mr. DOLE, Mr. LOTT, Mr. CHAFEE, Mr. CRAIG, Mr. DURENBERGER, Mr. DANFORTH, Mr. MACK, Mr. COHEN, Mr. LEVIN, Mr. KEMPTHORNE, Mr. DOMENICI, Mrs. HUTCHISON, Mr. BRYAN, Mr. GRAHAM, Mr. BOREN, Mr. ROBB) proposed an amendment to the bill (H.R. 2518), supra, as follows:

On page 38, line 8 strike "\$465,649,000" and insert in lieu thereof "\$472,649,000, including \$12,000,000 which shall be for carrying out the National Youth Sports Program: *Provided*, That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further*, That amounts in excess of \$9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 50 percent of such excess amount: *Provided further*, That notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 96.48 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 3.52 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any services within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993".

MCCAIN (AND OTHERS)  
AMENDMENT NO. 974

Mr. MCCAIN (for himself, Mr. LOTT, Mr. GRAMM, Mr. SMITH, Mr. HELMS, Mr. BROWN, Mr. NICKLES, Mr. MACK, and Mr. WALLOP) proposed an amendment to the bill (H.R. 2518), supra, as follows:

In lieu of the language proposed to be inserted on page 63, line 14, insert the following: "\$292,641,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, September 28, 1993, at 9:30 a.m. in SD-138 on proposals to reorganize the Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from business, agricultural, and environmental groups both in support of and in opposition to the North American Free-Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 28, 1993, at 10 a.m. to mark up S. 1487, the Middle East Peace Facilitation Act of 1993, and to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 28, 1993, at 3 p.m. to hold nomination hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT PRODUCTIVITY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity be authorized to meet for a hearing on S. 1361, the School-to-Work Opportunities Act of 1993, during the session of the Senate on Tuesday, September 28, 1993, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on September 28, 1993, at 9:30 a.m. on reauthorization of the Airport Improvement Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOMETHING IS WRONG

• Mr. SIMON. Mr. President, one of the more thoughtful observers of the

American scene is Richard Cohen, whose syndicated column appears in the Washington Post.

Recently, he had a column about our culture of violence.

He poses the basic question: "What sort of people are these?" His question is really: What kind of people are we, as Americans?

We eagerly devour videos and television with massive and detailed gore and violence.

We have a problem in our society. The answer is not to in any way infringe on the first amendment, but we cannot ignore what the American Psychological Association just published in a report on youth and violence, that violence in the media is adding to violence in our society.

I ask to insert the Richard Cohen column at this point in the RECORD.

The column follows:

[From the Washington Post, Sept. 21, 1993]

VIOLENCE FOR FUN AND PROFIT

(By Richard Cohen)

I am ashamed to admit that my knowledge of the Roman Empire comes mostly from Hollywood—biblical films such as "The Robe," "Quo Vadis?" and "Ben Hur." Watching them even today, I find myself unable to assume the required multicultural detachment and not be horrified at such things as mass crucifixions and gladiator contests in which one man killed another for the entertainment of the crowd. I find myself wondering: What kind of people were these? Now I'm asking the same question about ourselves.

The question is prompted by neither the casual and senseless killings of Florida tourists nor by the daily rat-a-tat-tat of automatic weapons fire in certain neighborhoods of our proudest cities but by the introduction of a video game called "Mortal Kombat." In one version, the winner of a fight rips out his victim's heart and decapitates him. The head is displayed triumphantly with the spinal cord dangling. Naturally, the game is a runaway bestseller.

I confess to feeling a bit like an anthropologist in some primitive culture, knowing that I am unaware of much of what's going on. "Mortal Kombat," for instance, has been popular in video arcades for some time now. Its sale as a video game (\$35 to \$75, depending on the level of violence) had been awaited by millions and has been promoted by a \$10 million advertising campaign. The manufacturer, Acclaim Entertainment Inc., says it has received 70,000 calls this year alone asking where the game could be bought. Until the other day, I never heard of any of this.

But what truly prompts my sense of being a stranger in my own land is the debate over the game's violence. The usual people have been heard from—experts warning about the awful effect this will have on children, and the manufacturer saying that young children are not the target market at all. Teenagers are. I am so relieved.

But what's not asked—at least not in what I have read—is the same question I asked about the Romans: What sort of people are these? Specifically, what kind of person would design such a game and make a buck by selling kids gore? The answer is beyond me. I can supply the names of Acclaim Entertainment's officers, but it's hard to account for an environment in which, for some reason, it's okay for businessmen to peddle



simulated violence to children and dismiss all ethical or moral questions by a reference to the bottom line: It sells.

The entertainment industry in general has taken the line that violence on television, in the movies or, now, on video games is totally without societal consequences. This has to be the sheerest nonsense. The American Psychological Association says that by the time the average child is in the seventh grade, he's seen some 8,000 murders on television—and 100,000 other acts of violence. To argue that this has no effect not only contradicts the host of studies that have been done on the subject—some 3,000 in the last decade alone—but runs counter to the very premise of television advertising. Why should a viewer be influenced by a commercial and not by programming itself?

"Mortal Kombat" hit the stores recently on what its promoters called "Mortal Monday." But every day is mortal in one way or another in our cities—although "fatal" is the more appropriate word. The kids who do these killings have not only been raised on a diet of television, film and video game violence, but they happen to be the kids who watch the most television. The 8,000 murders cited above is for a kid watching an average of three hours a day of television.

But the poorest students—and your basic killer is no teacher's pet—watch six or more hours a day. A steady entertainment diet of murder and mayhem is like pornography. It dulls the senses. It reduces the exotic, the weird and the shocking to the routine. It desensitizes the viewer, and if you couple that with the real violence and deprivation of the underclass, then it is not surprising that lives are taken so casually.

The question I posed at the top of this column—What kind of people are these?—is pointed not at our young killers, but at the titans of the American entertainment industry who make a buck by selling violence. They include people like Robert Holmes, the president of Acclaim Entertainment, manufacturer of "Mortal Kombat." Is this how he would want his kids to spend their time? If not, why should he have such despicable contempt for other parents and other kids? Mr. Holmes and others like him in the entertainment industry—what kind of people are they?

If they don't know the answer, we certainly do.●

#### REGARDING: KONRAD STOKES

● Mr. McCAIN. Mr. President, I was delighted to read about an Arizonan, Mr. Konrad Stokes, in the Green Valley News and Sun on Wednesday, September 15, 1993. It brought to my attention the great public service Mr. Stokes gives to the great State of Arizona. I would like to extend my sincere thanks and appreciation for all his years of service to Arizona.

Volunteer work and community activism are long established values to Konrad Stokes. His interest and dedication to civic participation has always been part of his life. Mr. Stokes said "I was taught by my father that political and civic involvement are obligations of citizenship." He is the chairman of the Health and Human Services Committee of the Green Valley Community Coordinating Council, a member at-large of the council's ex-

ecutive board and is a member of the council's planning and zoning committee.

Mr. President, two of Mr. Stokes' major objectives are to effect "some sort of bus transportation" within Green Valley, to establish an urgent care facility and to set up a communication system to make residents aware of the home health care services that are available in Green Valley. I would like the Senate to take note of Mr. Konrad Stokes and all the community volunteer work that he has devoted his life to.

Mr. President, I would like Mr. Stokes to know how much I appreciate his commitment and devotion to Arizona and wish him every success in the future.●

#### RETURN OF THE IDAHO AIR NATIONAL GUARD

● Mr. KEMPTHORNE. Mr. President, I am honored to share with you a very important event taking place in Idaho.

This week, the last rotation of 98 men and women from the Idaho Air National Guard will return to Gowen Field, ID, after a 6-month combat deployment to Southwest Asia. While active duty forces will continue to enforce the United Nations authorized no-fly zone over southern Iraq, the men and women of the Idaho Air National Guard are now coming home for a well-deserved rest. Over the last 6 months, a total of 302 pilots, weapons officers, crew chiefs, and ground support personnel of the 124th Fighter Group deployed to Southwest Asia to help enforce the no-fly zone over southern Iraq.

This mission represents the first time that an Air National Guard unit has been tasked to perform a combat mission during peacetime without a Presidential call-up. This has been a difficult and challenging mission for the men and women of the Idaho Air National Guard and I want to welcome them home. I also want to express my pride in the outstanding accomplishments of these individuals.

Mr. President, members of the Idaho Air National Guard fly the F-4G Wild Weasel in the Suppression of Enemy Air Defense [SEAD] mission. The Wild Weasels use the highly accurate HARM missile to destroy enemy air defense radars that attempt to illuminate, or lock on, to U.S. aircraft. The F-4G's escorted hundreds of United States military aircraft during more than 400 sorties over southern Iraq.

On two occasions, Idaho Guardsmen fired a HARM missile after Iraqi air defenses threatened United States aircraft over southern Iraq. By all accounts, the Idaho Air National Guard performed its mission with extreme professionalism and efficiency. All of Idaho and the Nation should be proud of these men and women.

Mr. President, as we reduce the size of our Armed Forces, it is clear that

the National Guard and Reserves will play a larger and larger role in defending the vital interests of this Nation. The citizen-soldiers in the National Guard and Reserves give us increased military capability at less cost than their active duty counterparts. That is why we in the Congress must continue to support a strong National Guard and Reserves in the years ahead.

Mr. President, when the men and women of the Idaho Air National Guard deployed to Southwest Asia to enforce the United Nations' no-fly zone over Iraq, they left behind their families and jobs. I want to thank the family members and loved ones who supported our guardsmen and women during this long deployment. I also want to thank the employers in Idaho who allowed their workers to perform this mission. Although it can inconvenience or upset the work schedule when employees are called away on active duty deployment, the businesses of Idaho answered the call when their guards men and women were needed. These employers also deserve our gratitude for their contribution to this effort.

Mr. President, once again the men and women of the Idaho National Guard answered the call when their Nation needed them. They performed their duties in an outstanding manner and we can all take pride in the contributions of the American citizen-soldiers in the international effort to keep Saddam Hussein in line. America has always been strong because our people have been willing to make the sacrifice for freedom.●

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. WOFFORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 370. Gen Colin L. Powell, to be placed on the retired list in the grade indicated under the provision of title 10, United States Code, to be general;

Calendar 371. Col. Michael C. Wholley, to be brigadier general;

Calendar 372. Col. Robert G. Claypool, and Col. John S. Parker, to be permanent brigadier general;

Calendar 373. Col. Walter B. Huffman, and Col. John S. Cooke, to be permanent brigadier general;

Calendar 374. Adm. William D. Smith, to be placed on the retired list in the grade indicated to be admiral; and

Calendar 375. Vice Adm. Michael C. Colley, to be placed on the retired list in the grade indicated to be vice admiral.

All nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc,

that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the nominations considered and confirmed en bloc are as follows:

#### IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

#### To be general

Gen. Colin L. Powell, xxx-xx-xxxx U.S. Army.

#### IN THE MARINE CORPS

The following-named officer for appointment to the grade of brigadier general while serving as the Staff Judge Advocate to the Commandant of the Marine Corps under the provisions of title 10 United States Code, section 5046:

#### To be brigadier general

Col. Michael C. Wholley, xxx-xx-xxxx

#### IN THE ARMY

The following-named Medical Corps officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

#### To be permanent brigadier general

Col. Robert G. Claypool, xxx-xx-xxxx

Col. John S. Parker, xxx-xx-xxxx

The following-named Judge Advocate General's Corps officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

#### To be permanent brigadier general

Col. Walter B. Huffman, xxx-xx-xxxx

Col. John S. Cooke, xxx-xx-xxxx

#### IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

#### To be admiral

Adm. William D. Smith, U.S. Navy, xxx-xx-x...

xxx... The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

#### To be vice admiral

Vice Adm. Michael C. Colley, U.S. Navy, xxx-xx-xxxx

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Max J. Allen, and ending Volodja A. Tymoschenko, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 24, 1993.

Air Force nominations beginning Maj. William D. Bryan, Jr., xxx-xx-xxxx and ending Maj. Stephen R. Keene, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 6, 1993.

Air Force nominations beginning Francis J. Dwyer, and ending Susan J. Craw, which nominations were received by the Senate and

appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Air Force nominations beginning Byron P. Marsh, and ending James Henderson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning \* John W. Alexander, and ending \* Jack A. Woodford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Army nominations beginning Benje H. Boedeker, and ending Paul R. Hukovich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 29, 1993.

Army nominations beginning Christopher Acker, and ending 6994x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 29, 1993.

Army nominations beginning Michael D. Graham, and ending Dominic A. Solimando, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 6, 1993.

Army nominations beginning Ronald D. Lewis, and ending \* Michael A. Norkus, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning Errol J. \* Allison, and ending George W. \* Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Army nominations beginning James R. \* Allinder, and ending Marianne M. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Marine Corps nominations beginning Arnoux Abraham, and ending Jay K. Zollmann, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Aaron J. Bird Bear, and ending Jeffrey P. Scofield, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1993.

Navy nominations beginning Marion Sanford Boose, Jr., and ending Kenneth Ronald Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nomination of Thomas Richard Williams, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Stephen P. Axtell, and ending Thomas Macpherson Stapleton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Steven Patrick Albert, and ending Philip Durant Weber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Thomas E. Bauer, and ending Gary Allen Sidelinger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Dean Alan Bailey, and ending Debora Ann Coulapides, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Joseph Michael Lynch, and ending William George Wilcox, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning David A. Clark, and ending Donald Spencer Francis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Michael Andrew Crosby, and ending Anthony Michael Michanowicz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Charles Scott Anderson, and ending Jeffrey Donald Nichols, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nomination of Loring Isaac Perry, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Monte L. Bible, and ending Elizabeth Ann Huffman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

Navy nominations beginning Robert Bradley Aarnes, and ending Michael Frederick Zink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1993.

### ORDERS FOR WEDNESDAY, SEPTEMBER 29, 1993

Mr. WOFFORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, September 29; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of H.R. 2518, the Labor-HHS appropriations bill. The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WOFFORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:49 p.m., recessed until Wednesday, September 29, 1993, at 9:30 a.m.

### CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 28, 1993:

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

#### To be general

GEN. COLIN L. POWELL, xxx-xx-x... U.S. ARMY.

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL WHILE SERVING AS THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5046:

#### To be brigadier general

COL. MICHAEL C. WHOLLEY, xxx-xx-x...

#### IN THE ARMY

THE FOLLOWING-NAMED MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE



